

## **Results, Rights and Effectiveness**

Complementarities, tensions and emerging alternative responses

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<b>Abstract</b>
<p>In spite of alleged complementarities between human rights and results and their programming approaches (HRBA and RBM), a number of criticisms have arisen on how the concept of results-based management can even undermine progress on human rights. This is the case especially if the potential explanations for the tensions are ignored. This puzzle is a point of my departure in exploring the relationship between human rights and result based management.</p> <p>The overall aim of this thesis is to contribute to the discussions and understanding of the relationship between human rights, results and effectiveness agendas and their theoretical and operational interplay. The aim is especially to highlight the complementarities between the agendas, but also address the limitations and tensions but also the 'better fit' solutions between the two approaches. My main method was an appraisal of theoretical and empirical literature.</p> <p>An important finding is, that there is no inherent conflict between rights and results initiatives, but that tensions arise rather when the narrow, technical interpretation of results management is adopted to transformative work. The mainstream results-based management assumes that change occurs in a linear fashion where a set of activities results in outputs, outcomes and ultimately impact. However, the transformative vision of both human rights and rights-based agendas in development described in this thesis, establishes a much more complex causal chain and therefore collides with some basics assumptions behind the traditional RBM assumptions. However, findings indicate that RBM can be used for a variety of practices, including by complexity theory and social change theory. But in order to work, RBM needs to occur in accordance with the particularities and nature of the activity to be implemented. Theories of change – a central tool of RBM models – are considered as a good tool to reframe the results artefacts and communicate the assumptions and particularities behind change of each sector involved in development cooperation. In conclusion chapter I propose alternatives to the most problematic assumptions behind RBM models and offering different assumptions behind social change from human rights perspective.</p>

## **Abbreviations**

<b>BPF</b>	Big Push Forward
<b>HRBA</b>	Human Rights Based Approach
<b>ICHRP</b>	International Council on Human Rights Policy
<b>MBO</b>	Management by Objectives
<b>MDG</b>	Millennium Development Goals
<b>MFA</b>	Ministry of Foreign Affairs
<b>RBM</b>	Results Based Management
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>SDG</b>	Sustainable Development Goals
<b>ToC</b>	Theory of Change
<b>UN</b>	United Nations
<b>UNCU/HRBA</b>	United Nations Common Understanding

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# CHAPTER I INTRODUCTION

## 1.1. Unpacking the results-rights-development nexus and stating the problem and the aim of the thesis

This thesis is exploring human rights and rights-based approaches to development in the time of result-based culture. The fields of development and human rights and results approaches have traditionally evolved along parallel but separate tracks. The initiatives to integrate both the results approach and the human rights throughout the development programming strategies arose in the 1990's from the concern over the quality and effectiveness of delivered aid. These two fields became even closer in the 2000s as the Human Rights Based Approach (HRBA) was conceptualized as a programmatic tool for development organizations and institutions in complementary to Results Based Management (RBM). If the 1990s can be characterized as the decade of democracy and human rights integration in international development, the 2000s have been defined by the aid effectiveness and results agenda in the development sector. During the last decade, fueled by the Aid Effectiveness debate originated from the Paris Declaration (2005), and by the economic crises in 2008, the results-based management (RBM) systems have been introduced in most developed country governments. In spite of alleged complementarities between human rights and results and their programming approaches (HRBA and RBM), a number of criticisms have arisen on how the concept of result based management can even undermine progress on human rights. This is the case especially if the potential explanations for the tensions are ignored. This puzzle is a point of my departure in exploring the relationship between human rights and result based management.

The overall aim of this thesis is to contribute to the discussions and understanding of the relationship between human rights, results and effectiveness agendas and their theoretical and operational interplay. This thesis is contributing especially on the following gaps in the discussions:

- 1) What are the complementarities between human rights, effectiveness, and results and in their operational interplay?
- 2) What are the challenges arising from results management agenda to transformative agendas in development?
- 3) What are the emerging responses and alternative 'better fit' approaches to complex and transformative agendas?

It is important to highlight already at this point that the aim of this study is not to explore the evidence on the effectiveness of HRBA nor the possible 'perverse effects' of RBM in relation to human rights and right-based agendas, but rather to help donors and other human rights supporters to remain aware of both the complementarities and possible tensions and negative effects of RBM and adapt new approaches to RBM to mitigate or even overcome the challenges.

## **1.2. Outline of the thesis**

These developments described above and the effects of the change in the hierarchy of paradigms will be described in detail in the analytical framework of the thesis (Chapter II). This chapter builds the basis for understanding and analyzing the past, current and possible future state of results and rights interaction in development management field. In order to paint the future interplay between the two initiatives, chapter II also explores the theoretical explanations to the tensions between the two approaches.

In Chapter III I move to the methodological outline of the thesis. However, the method described in this section has been already used in the analytical framework (chapter II). As this thesis has a focus on exploring human rights especially during the raising demands for results and effectiveness all the text analysis in this part has been done from this angle.

Chapter IV is seeking to answer the three research questions of this thesis deriving from the research gaps identified in the analytical framework. *Research part 1* will explore the complementarity debate and guidance which arose from the need to build a human rights alternative to both effectiveness and RBM programming approach. However, it seems that, due to the global debate on the efficacy of aid combined with the economic crises in 2008, there has been growing external pressure for development cooperation agencies to change their management systems towards effectiveness and results and move away from more complex and resource demanding human rights based approaches. This was also the moment, when both rights-based and explicit human rights organisations have started to articulate more vocally their views on results management and methodologies from their perspective as will be described in the *research part 2*.

During the last ten years, various communities of international aid practice introduced later have advocated concepts and approaches that seek to overcome the most detrimental effects of RBM in development field. These voices and alternatives will be explored in the

*research part 3* as they represent also good basis for alternative positions in human rights and rights based practices in development. Finally, the last chapter on 'Conclusions and Proposed Solutions' will capture some main conclusions and will contribute to the alternative approaches by proposing alternatives to the most problematic assumptions behind current RBM models and offering different assumptions behind social change from human rights perspective.

## **CHAPTER II CONCEPTUAL AND ANALYTICAL FRAMEWORK**

### **2. CONTEXTUALIZING THE RISE OF RESULTS AND RIGHTS RATIONALES IN INTERNATIONAL DEVELOPMENT AID**

In this section I will describe the rise of results and human rights agenda and also the rationales and principles behind them. Situating the different phases of these agendas is important in order to understand the political context behind them.

Results based management (RBM) and human rights based approach (HRBA) have been described as the most common approaches in integrating these two agendas to development field. These programming approaches will be described in detail in section 2.2. in order to better understand their vision and implementation in practice highly relevant in understanding their interplay analysed in the research part.

#### **2.1. Results agenda and rationale in international development**

##### Situating the rise of apolitical and technical results agenda in international development

It is not a simple task to situate the rise of results agenda in development field. It is possible to link the current results agenda articulated by development cooperation agencies to the Paris Declaration on aid effectiveness and its' aims of adopting Management for Results to help donors and recipients focus monitoring and evaluation lenses on outcomes and impacts. However, on the other hand, understandings, and experiences of RBM and results agenda in international development cooperation have been influenced by broader factors. (Shutt 2016:20).

First of all, the ideas and practices associated with managing for results as it is understood today has been part of management theory since the end of the Second World War. The

concept of Results Based Management origins to the 1950's when Peter Drucker in his book 'The practice of Management' introduced for the first time the concept of "Management by Objectives" (MBO) and its principles:

- Cascading of organizational goals and objectives
- Specific objectives for each member of the Organization
- Participative decision-making
- Explicit time period
- Performance evaluation and feedback

As we will see further on, these principles are very much in line with the RBM approach. MBO was first adopted by the private sector and then evolved into the Logical Framework (Logframe) for the public sector. (UNESCO 2011:4)

The concept was integrated stronger to development field during the late 1980s and early 1990s as many OECD countries undertook extensive public sector reforms in response to economic, social, and political pressures (Vähämäki et al., 2011:10). Result based management was again lifting its' head towards the end of the 1990s, and beginning of the 2000s, against a backdrop of lessons including difficulties of project aid, low levels of ownership, and unclear development results (ibid:11). With the Millennium Declaration, the OECD/DAC embarked on a course that was to culminate in 2005 in the Paris Declaration on Aid Effectiveness, which was to demonstrate a global understanding on how to achieve the Millennium Development Goals (MDGs). Finally, the Paris Declaration on Aid Effectiveness (2005) made results-based management a condition of aid delivery: *"Managing for results means managing and implementing aid in a way that focuses on the desired results and uses information to improve decision-making.* This principle was embraced by the European Consensus on Development (2005) which provides for *"the Community [to] consistently use an approach based on results and performance indicators"*. In the process, the results management perspective became and has been since an integral part of global development aid policy. (OECD 2013:iv). During the last decade, fueled by the Aid Effectiveness debate originated from the Paris Declaration (2005), and by the economic



crises in 2008, the results-based management (RBM) systems have been introduced in most developed country governments.

According to Eyben (2013:25) the results-and-evidence agenda driven by the above developments and especially by Paris Declaration (2005) has been seen as technical and apolitical agenda - although arguably highly political in terms of addressing an increasingly political problem of public support for aid. It is important to note, that this depoliticization has in many countries enabled official agencies and NGOs to preserve their access to funds despite changes in the domestic political climate. (Ibid 2013:25).

### The Rationale and Principles Behind Results Agenda

The rationale for RBM in development cooperation has been well described by Vähämäki and Schmidt, and Molander (2011). Towards the end of the 1990s, and beginning of the 2000s, the RBM perspective was formed against a backdrop of lessons including difficulties of project aid, low levels of ownership, and unclear development results. A new rationale for results orientation in development aid emerged that took on a different shape from that which had motivated Logical Framework Analysis and its siblings three decades earlier - basically intent of sharpening project logic and results achievement. (Vähämäki, Molander and Schmidt 2011:15).

The rationale for a renewed and reoriented focus on results that emerged included<sup>1</sup>:

1. Increasing **contextualization** – national development patterns (outcome/impact) should guide strategy – as a means to **stimulate a capacity for national policy making**;
2. To **regularly monitor** national, sector and programme performance on outcome level so that priorities could adapt over time in response to changing conditions, and in the process **strengthen national performance assessment frameworks** to support future policy and decision-making;

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<sup>1</sup> The Memorandums of the High Level Roundtables on Development Results in Washington (2002) and Marrakech (2004), and the OECD/DAC working party on aid effectiveness; *Managing for development results, principles in action*, April 2005.

Promoting a **dialogue based on performance** rather than prescriptions or budget and activity programmes to **promote ownership** and joint understanding. (Vähämäki, Schmidt and Molander 2011:16).

The UN Joint Spector Unit Report (2017:8) also captures well the ‘results management’ principles and rationales behind them:

- (a) **Vision and clarity of desired outcome**; clarity in the vision and long term goal of an organisation allow it to define its means of influencing change, given its mandate and international conventions
- (b) **Causal linkages in a hierarchy of results (inputs, activities, outputs, outcomes and impact) based on a theory of how change happens.**
- (c) **Systems operations that go beyond linear logic in defining the change process**; identifying, monitoring and managing conditions for success as well as the risk factors deriving from the environment in which results are expected to occur , are critical for success
- (d) **Performance measurement of results at all levels**; quantitative and qualitative measurement allows objectivity and transparency among a range of stakeholders
- (e) **Monitoring and evaluation**; managing for results requires robust evidence and lessons learned from monitoring and evaluation.

However, in the historical overview of results management practices in development aid recurrent problems with application stand out (Vähämäki, Schmidt and Molander 2011:16). These problems with application especially together with human rights approach will be described later in this research.

## **2.2. Human rights agenda and rationale in international development**

### Situating the rise of human rights and new goals in international development

For a long time, human rights and international development ‘lived in splendid isolation’ (Ulvin 2004:1). This was partly due to the ‘apolitical’ nature of development work. However,

since the 1990s also another, intrinsic rationale has been integrated to international development aid. The new rationale for more political and explicit human rights and democracy aid arose from the outburst of democratic and human rights enthusiasm surrounding the end of the Cold War and the democratic and human rights transitions in the developing world. Mainstream aid organizations also constructed a whole new range of explicitly human rights aid programs aimed at fostering what they believed to be the constituent elements of human rights and democracy (Carothers and Garmont 2013:98-99).

In 1986 UN Declaration on the Right to Development formally cemented human rights and development together, and by the end of the century both concepts were thoroughly entwined in international practices (Ulvin 2004:1). The fact that the Vienna Declaration and Programme of Action of 1993 stressed the link between human rights and development was a window of opportunity for further integration of the two discourses. As aid agencies become more familiar with the human rights framework, human rights organizations started to address poverty and development more explicitly and receive direct funding from many western donors. (Piron 2005:4).

#### Donor rationales in integrating human rights into development: as an objective in its own right and as contributor to ineffective aid

According to OHCHR guide 'Frequently asked questions about human rights to development'<sup>2</sup>, intrinsic and instrumental are the two main rationales for a human rights-based policies in development.

**The intrinsic rationale** is acknowledging that a human rights approach is the right thing to do, morally or legally; that states party to human rights instruments are under a duty to promote and protect human rights. (OHCHR 2006:16). The intrinsic reasons include the legal obligations that emanate from the international human rights framework. This means that the legitimizing anchor is in law and not in effectiveness (Piron 2005: v). The concept of human dignity underlying this normative framework drives ethical and political considerations regarding the integration of human rights into development. Adopting intrinsic

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<sup>2</sup> <https://www.ohchr.org/Documents/Publications/FAQen.pdf>

rationale would also mean that the final accountability to impact relies on the state and not on the actors holding the state accountable on its obligations (Calnan 2008:232).

**Instrumental rationale.** In addition to being morally and legally imperative, the realization of human rights has also come to be seen as instrumental in spurring development and eradicating poverty. Instrumental rationale is recognizing that a human rights approach leads to better and more sustainable human development outcomes and overall aid effectiveness. (OHCHR 2006:16). In practice, the reason for pursuing a human rights as an operational framework in aid agencies is usually a blend of these two rationales (OHCHR 2006:16). As the instrumental rationale has been crucial to emphasize the added value of human rights to development effectiveness and to therefore cope with the different effectiveness demand phases, I explore this in a separate section together with the types of human rights approaches in development.

### **Instrumental case for human rights and evolving types of human rights approaches in development**

As described above, there was a growing interaction between the human rights and development sectors, and that changes in practice in the two sectors had the potential to transform both fields and advance struggles against extreme poverty, inequality and patterns of rights violations (Nelson & Dorsey, 2003). The prospect of a deep integration of human rights and development practice had (and has) important implications to sustainability of outcomes:

1. **With their basis in international law, human rights standards and principles gave advocates new norms of legitimacy and measures of accountability** for work on economic and social policy (Nelson & Dorsey, 2008; Gready & Vandenhoe, 2014a; Gready & Vandenhoe, 2014b).
2. **Accountability would be deepened by anchoring development work in human rights principles and standards**, rather than in ad hoc goals such as the MDGs or SDGs (UNDP, 2000; Nelson & Dorsey, 2003; Health GAP 2006; Theis, 2003; Nelson, 2007; Sano, 2014).
3. Human rights offered ways to enrich and improve development projects and programs through **strategies that address structural patterns of discrimination and exclusion and that built the capacities of communities**

**to insist that states deliver on their human rights commitments.** Thus, Human rights agencies and methods could give an effective response to the economic and social root causes of human rights abuses (Pratt, 2003; DFID, 2000; Sida, 2001; Harris-Curtis, Marleyn, & Bakewell, 2005; Rand, 2002; Jones, 2000; Gready & Vandenhoe, 2014).

4. **Human rights standards and principles could be the basis for a stronger alternative to neoliberal development** and expand the methods available to organizations in each sector, with potential for larger, better coordinated and potentially more effective advocacy. Development NGOs were perceived by many to be too closely tied to donors' interests (Banks, Edwards, & Hulme, 2015).

Perhaps the biggest added value of human rights integrations is the accountability framework that it provides to development. According to McInerney-Lankford (2009:75) human rights law and norms could deepen and ground the accountability mechanisms and help fill some of the perceived accountability gaps in both horizontal (state to state) and vertical (state to citizen) relationships. Human rights could strengthen the mutual accountability commitment particularly by focusing on clearer terms for holding duty bearers to account and by emphasizing the role of people and civil society as agents in claiming peoples' entitlements and holding government and other actors to account (Foresti et al. 2006:22). However, it is important to remember that civil society and its' space to operationalize is in key role while assessing the results in strengthening accountability between state and the citizens.

From this perspective, human rights law offers a normative baseline mandating non-regression and a principle of 'do no harm' and uses this baseline to strengthen and improve development practice and results. From human rights perspective, strengthening domestic accountability between recipient governments and their own citizens is essential for ensuring effective use of aid to produce sustainable development outcomes. (McInerney-Lankford 2009:71). By having human rights as a baseline, the monitoring of results is collecting relevant information and evidence on the situation of human rights in relation to international human rights treaties and indicators defined also by the Office of the United Nations High Commissioner for Human Rights (OHCHR)<sup>3</sup>

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<sup>3</sup> Office of the United Nations High Commissioner for Human Rights 2012, Human Rights Indicators. A guide to measurement and implementation

The considered mutual relevance of human rights and development spheres described above was consistent with the growing trend among the donors toward integrating human rights into development strategies and policies (McInerney-Lankford, Sano 2010:19). Only few western donor agencies do not include human rights in their mission statements or do not identify it as a thematic area of work. There has not been a single approach to integrating human rights into development (OECD 2013:17). Five basic approaches to human rights integration to development can be identified (OECD 2006b):

- 1) Human rights–based approach (HRBA): Human rights (both as means and as ends) are considered as a constitutive of the goal of development, leading to a new approach to aid and requiring institutional change and values
- 2) Human rights mainstreaming: Initiatives are undertaken to ensure that human rights are integrated into all sectors of existing aid interventions
- 3) Dialogues: Promotion of foreign policy and aid dialogues include human rights issues, as a soft conditionality, where aid modalities and volumes may be affected in cases of significant human rights violations.
- 4) Projects and programmes initiatives: Projects and programmes are directly targeted at the realization of specific rights, or in support of human rights organisations to promote a civil society voice
- 5) Implicit human rights work: Donor agencies may not explicitly work on a human rights agenda, preferring instead to use implicit descriptors like ‘empowerment’ or ‘good governance’. However, the goals and content may still relate to other explicit forms of human rights integration.

Aid agencies have adopted different approaches to implementing policies, reflecting their mandates, policy frameworks, and different modes of engagement. (OECD 2013:17). In general, the integration of human rights to development implied in the first place the recognition of their transformative power and intrinsic value and thus adding them as a ‘goal’ of development itself. Especially in the 1990s and 2000s, have been explicit human rights projects, usually linked to the promotion and protection of civil and political rights and economic, social and cultural rights as goals of development interventions. (OECD 2013:17). The strategies of these explicit human rights work adopt promotion and protection approach to human rights and adopt usually following modes of strategies: advocacy, campaigning,

strategic litigation, legal aid and legal assistance, monitoring and documenting, capacity-building of human rights organisations/movement. Different human rights as goals have different 'price tags' for political leaders, depending on political context factors such as democracy, impartial judiciaries or integration into the world economy. As a result, both economic constraints and political costs make it very complicated, at least in the short term, to realize human rights (Heine 2019: 681-682). These particularities are partly explaining the complexity and long-term nature of human rights work effecting the ability to 'show evidence and results' in human rights action and therefore revisited still later in this research. They also play a significant role in defining priorities of states in the implementation order of rights and to civil society and other aid agencies programming and prioritizing rights.

However, acutely aware of the need to render human rights and rights based application more practical to development and other aid agencies the UN Development Group put forward a Common Understanding of a Human Rights-Based Approach to Development Cooperation (UNCU) in 2003 D'Hollander, Pollet and Bele 2013:6). **Human rights-based approach (HRBA) has been described as the most far-reaching attempt to integrate human rights into development** cooperation and programming in practice and in a less confrontational way than explicit human rights work. As it I has also been the other dominant programming principle in Development sector beside RBM and therefore explored in detail in the next section exploring the development management systems and programming approaches.

### **3.DEVELOPMENT MANAGEMENT SYSTEMS AND PROGRAMMING APPROACHES IN RESULTS AND RIGHTS**

In this section I will describe the vision and practice of the most common programming approaches to results management and human rights in development sector. This is important to be able to understand their potential use in addition to their use in practice as this effects to the limitations in their interplay as will be explained later.

#### **3.1. Results based management (RBM): The vision and practice**

##### The enabling vision of RBM in Evolving Definitions and Purposes

There is no single definition of Results Based Management (RBM) and its purpose, but it refers to the approaches used in management of aid (Shutt 2016:25). The 2002 OECD DAC Glossary of key terms in evaluation and results-based management has a relatively narrow

definition of RBM as “a management strategy focusing on performance and achievement of outputs, outcomes and impact”. (Vähämäki and Verger 2018:9).

A less narrow definition of RBM (Meier 2003:7) adopted by the Organization for Economic Co- operation and Development (OECD) Development Assistance Committee in 2003 stated that:

*‘Results-Based Management (RBM) is a management strategy aimed at achieving important changes in the way organizations operate, with improving performance in terms of results as the central orientation. RBM provides the management framework with tools for strategic planning, risk management, performance monitoring and evaluation. Its primary purpose is to improve efficiency and effectiveness through organizational learning, and secondly to fulfil accountability obligations through performance reporting.’*

A recent OECD study comparing development co-operation providers’ RBM systems states that “the ultimate purpose of development co-operation is achieving development results (outcomes and tangible change). Development co-operation contributes to development results and results- based management supports this effort” (OECD/DAC, 2017:8).

Different aid agencies apply different phases of RBM, but planning, monitoring and evaluation come together as main phases of RBM. And most aid agencies’ RBM is composed of seven phases:

- 1 Formulating objectives, building a Theory of Change
- 2 Identifying indicators
- 3 Setting targets
- 4 Monitoring results
- 5 Reviewing and reporting results
- 6 Integrating evaluations
- 7 Using performance information

The first three phases relate to results-oriented strategic planning. The first five together belongs to the concept of monitoring or performance measurement. All seven phases combined are essential to an effective RBM. (Ibid:iv).



As mentioned earlier, the results-based management (RBM) systems have been introduced in most developed country governments and hence especially in other development aid agencies receiving government aid. The following section focuses on describing the RBM models in practice among these agencies.

#### Mainstream RBM in practice: causal models and functional accountability on results

Different donors have adopted different models of RBM in practice. Several RBM reviews have reported that there has been a tendency to translate the results management idea into formal or mechanistic causal models in contrast with the above analytic, adaptable, and learning oriented thinking behind the rationale. Other regular problems include finding the right level of analysis, the right indicators, and troubles with attribution. Against such observations it is often deduced that results management has not been put to use as prescribed (Vähämäki 2011:16).

It is widely agreed that the term “results-based management” is commonly used in development cooperation practice for management practices which are based on linear theories of change and associated with monitoring and evaluation practices which emphasizes quantitative data. Mainstream results-based management assumes that change occurs in a linear and causal fashion where a set of activities results in outputs, outcomes and ultimately impact. To achieve the best possible results, it is therefore important to have a solid theory of change, which outlines the links in the results chain from inputs to impact. Such theories of change should ideally be developed by empirically testing hypotheses for change. This can be done through different methods such as monitoring by objective quantitative indicators, theory-based evaluations, and rigorous impact evaluations. (Vähämäki 2011:32)

The extent to which different donors have lived up to the above perspectives on managing for results and effectiveness has been influenced by domestic and international events (Gulrajani 2015), as well as bureaucratic norms (Vähämäki 2015: 135). In many donor countries overall approaches to RBM have been affected by the aftermath of the 2008 global financial crash. An era of austerity, shifting geo-politics, public perceptions of donors failing in relation to the MDGs and competition from private philanthropists have all taken their toll on donor priorities (Gulrajani, 2015). (Shutt 2016:18). In particular, there have been increasing number of international initiatives and forces pressing governments towards RBM

system creating a global force for public accountability and proven results to taxpayers. (OECD 2013:iv) Development practitioners have been worried that results based systems are driven in practice by donors' domestic 'functional' accountability on results to taxpayers at the expense of 'strategic' accountability needs such as learning, adapting and being accountable to partners (Shutt 2016:21).

However, and as pointed out later, RBM can be used for a variety of practices, including by complexity theory and social change theory. I have chosen to apply the term in a very wide sense in this study, which means that this research does not regard it as a concept describing exclusively mainstream results management practices, but rather tries to find the rising alternative approaches to RBM better fit for social change theories.

### **3.2. Human rights based approach (HRBA): The vision and practice**

#### The transformative programming vision of human rights based approach and change management in development

As noted earlier, Human rights based approach (HRBA) has been described as the most far-reaching attempt to integrate human rights into development cooperation and programming management in practice. The adoption of a HRBA demands "a systematic transformation in the way in which the goal of development is conceptualized, objectives set and monitored, strategies developed and the relationship with partners managed." (Piron 2005a:23). Integrating human rights norms and principles in the process of development cooperation itself, a HRBA thus offers a 'strategic vision' on 'outward change' (Gready, 2012), thereby taking into account human rights principles in every phase of the development management cycle, and in every thematic area of work (Darrow and Tomas, 2005;).(Hollander, Pollet Beke 2013:9).

The question of adding operational value goes primarily to the instrumental case for a human rights-based approach. **Human rights based approach has been equated as transformational agenda** in development. This approach is providing a normative framework (human rights) that not only guides development practice but also – and importantly – is one in which people are placed at the centre of development processes, no longer seen as beneficiaries of development projects with needs, but as active citizens with rights and entitlements. As a result, aid can be seen as contributing to the transformation of state–society relations [that empower] all citizens to claim their rights. Politics and power

relations are thus put at the centre of programming analysis and interventions rather than seen as negative ‘risk’ factors attached to projects (Piron, 2005: 22–3) that could have a negative impact on the development results.

Acutely aware of the need to render human rights and rights based application more practical programming principle to development and other aid agencies the UN Development Group put forward a Common Understanding of a Human Rights- Based Approach to Development Cooperation (UNCU 2003). (D’Hollander, Pollet and Bele 2013:6). The UN Common Understanding of human rights based approach to development has served as a blueprint and as ‘outward theory of change’ to many development actors wanting to seriously integrate human rights in their programming.

The UNCU was introduced for the purpose of identifying the significance of both ‘process’ and ‘outcomes’ in human rights approaches and methodologies (Miller and Redhead 2019:700). It states that:

- all programmes of development cooperation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments;
- human rights standards contained in, and principles<sup>4</sup> derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process;
- development cooperation contributes to the development of the capacities of ‘duty-bearers’ to meet their obligations and/or of ‘rights-holders’ to claim their rights<sup>5</sup>.

In contrary to the purely instrumental discourse of the aid effectiveness agenda, which sees human rights as contributing to the effectiveness of development cooperation, the UN Common Understanding on HRBA conceives human rights as both a constitutive goal of

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<sup>4</sup> i.e. Equality and non-discrimination; Participation and Inclusion; transparency; Accountability and

<sup>5</sup> UNSDG (2003:1) : The Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among UN Agencies

development and a means of undertaking development cooperation. Thus, it offered a complementary programme management approach to RBM from explicit human rights perspective. (D'Hollander, Pollet and Beke 2013:6).

The following elements captured in the UNCU are also stated necessary, specific, and unique to a human rights-based approach in programming instrumental value-added and sustainable results in development:

- a) Assessment and analysis in order to identify the human rights claims of rights-holders and the corresponding human rights obligations of duty-bearers as well as the immediate, underlying, and structural causes of the non-realization of rights.*
- b) Programmes assess the capacity of rights-holders to claim their rights, and of duty-bearers to fulfill their obligations. They then develop strategies to build these capacities.*
- c) Programmes monitor and evaluate both outcomes and processes guided by human rights standards and principles.*
- d) Programming is informed by the recommendations of international human rights bodies and mechanisms.* <sup>6</sup>

Together the first two unique elements listed above form part of the baseline in results-based management language. The third and fourth element are capturing the nature of results monitoring and evaluation as well as learning and defining new expected results in relation to comprehensively gathered human rights information.

Thus and in its' vision, infusing human rights and HRBA into development programming has far reaching consequences if UNCU is adopted: not only politicizes the role of external actors but fundamentally transforms power and accountability relations between donors, NGOs, local governments and beneficiaries. For external actors serious about adopting rights perspective, it first entails broadening the focus of engagement to a set of indivisible social, economic, political, and civil rights. The emphasis shifts from alleviating a lack of resources through external service delivery to **addressing power inequalities as root causes of**

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<sup>6</sup> UNSDG (2003:3): The Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among UN Agencies

**poverty.** Beneficiaries are no longer passive aid recipients, but should become active rights holders, while local and national governments emerge as primary duty bearers. The role of development organizations changes from service delivery and charity to facilitating a relationship of accountability between rulers (and power-holders) and the ruled (less powerful) (Schmitz 2012:528).

A 'serious' implementation of HRBA would imply that both donors and development NGOs drastically shift away from supporting service delivery and rather focus on strengthening the capacity of the state to fulfill its human rights obligations, while promoting capacity-building processes for citizen's empowerment and state accountability including its' accountability to assess impact and performance in protecting, promoting and fulfilling its' human rights obligations. (D'Hollander, Pollet and Beke 2013:7-8).

#### Implementation of HRBA in practice

In practice, a HRBA has led to 'hybrid' approaches combining the above two elements. (D'Hollander, Pollet and Beke 2013:7-8). While HRBA has been a rhetorical success, three major and related challenges have emerged questioning their relevance and future viability. First, resistance to the implementation of HRBA-related activities persists across all parties involved, including local communities, NGO workers in the field, fundraising offices, and donors. Each of these groups has different motives in rejecting the HRBA frame, but their combined resistance presents a key challenge to any further progress. Second, increased demands for evidence-based reporting and quantifiable results championed by donors and NGO watchdogs alike often undermine the application of HRBA. For example, searching for underlying causes of poverty, engaging in reflective processes with beneficiaries, or sustained advocacy for policy change may all be called for under HRBA, but find little acceptance among increasingly result-oriented donors. Third, some of the named skepticism towards HRBA is driven by the persistent lack of systematic evidence about the results of HRBA programming. While some scholars have used limited case studies to offer both positive and negative evaluations of HRBA,<sup>10</sup> more systematic and comparative studies remain rare. (Hans Peter Schmitz 2012:525-526).

The wider problem is also that seemingly transformative concepts and approaches, such as HRBA, in reality often translate into superficial or limited applications. References to principles such as participation and accountability and transparency and inclusion in aid

programming have become so frequent and widespread that pinning down with any precision what is meant by those terms often proves difficult. (Carothers and Brechenmacher 2014:13) For example, serious human rights-based approaches to development should take participation, accountability, and inclusion as inalienable rights that should be integral to both development processes and outcomes and thus represent an embodiment of the normative case. But they have gained only partial ground over the past twenty years, and even the minority of major aid organizations that embrace a human-rights-based approach are still struggling to incorporate it substantially into development practice and make a difference in programming beyond appealing statements of intent. (Ibid 2014:15-16).

#### **4. CHALLENGES IN THE INTERPLAY BETWEEN RIGHTS AND RESULTS**

In theory there is no inherent tension between RBM and HRBA. As described earlier the transformative outward vision about change articulated well in UNCU to HRBA generated significant convergence towards an integrated approach of development and human rights and results practice (O'Neill 2006:8). However, there is an important finding that dominant result-based management and HRBAs may be more difficult to reconcile than often believed (Vandenhoe and Gready 2014:1). I will in this section visit the particularities of human rights work as well as the current hierarchy between results and human rights approaches in development in order to capture the possible challenges in their interplay.

##### **4.1. Visiting the particularities of human rights work**

According to Gready and Vandenhoe (2014:1) the tensions between HRBA and RBM may be illustrative of the fundamental differences that continue to characterize development and human rights approaches. I gathered from Nelson and Dorsey (2008) and McInerney-Lankford (2009:55-58) a list of distinguishing factors below to better capture the differences.

Table 1. NGO Sectors and their Core Characteristics: the traditional divide. Adapted and gathered from Nelson and Dorsey (2008) and McInerney-Lankford (2009: 55–58).

<b>Distinguishing factor</b>	Human Rights	Development
<b>Mission</b>	Promote and protect internationally	Advance well-being and dignity of vulnerable

	recognized human rights; document and act to redress violations	groups; respond to emergency needs
<b>Allegiances and standards</b>	Internationally recognized standards: civil and political, economic, social and cultural human rights, participation as a right	Meeting basic human needs, promoting human development; cost-effectiveness; popular participation
<b>Methods</b>	Investigation and documentation; HR education; advocacy as core activity; litigation; partnerships as solidarity, 'mobilizing shame'; advocacy on policy; advocacy on specific violations or patterns of violations	Programs, projects with time horizons; advocacy complements services; partnerships as capacity building; emergency humanitarian relief; mobilizing compassion; advocacy on policy
<b>Resources</b>	Foundations and individual memberships	Donor governments, individual members; foundations
<b>Professions</b>	Legal profession, social disciplines, especially political science	Economics, social disciplines, area studies; agronomy, engineering, public health and other specializations

<b>Legitimizing anchor</b>	Law-Based	Evidence-based
<b>Views on the role of and relationship with state</b>	Neutral on political system  Own role: advocacy  Adverbial relationship	State is political issue  Own role: service delivery  Partnership
<b>Views on the role of law</b>	Transformative potential thanks to accountability/check on power	Legal instrumentalism, social engineering through law
<b>Views on the role of human rights litigation</b>	Potentially effective in interaction with policies/legislation	-

The biggest differences lie in the legitimizing anchors and in the view on the role of and relationship with the state. Development actors and their approach to change is that they see empirical observations (and evidence of development results) as “legitimizing anchors” whereas human rights actors tend to use legal norms as their legitimizing anchor and not effectiveness nor results. (Gready and Vanderhole 2014:295). Also the differences in disciplinary backgrounds of staff and in role definition (i.e. confrontation versus collaboration with the state) is an important explanatory factor for the ‘less transformational level’ implementation of human rights based approach. (Vanderhole and Gready 2014:1). In general, development work has traditionally been more evidence based, preventive, pragmatic, and non- confrontational, while human rights work is still norm-based, principled, and more reactive and adversarial (Gready and Vanderhole 2014:295).

Though the above outlined different histories, philosophies and logics have informed the adoption of HRBA within development, and provide an example of how each sector’s approach to change is indeed affected the encounter with the other. For example the attempt by rights based models to identify and remedy capacity gaps, and to build the capacities of both rights holders to claim rights and duty bearers to meet the responsibilities (e.g. Jonsson 2005) provide the RBM causalities in rights based language. (Gready and Vanderhole



2014:6). However, the assumption is made that governments are weak rather than wicked, and engagement with all relevant parties follows (Gready and Vandenhoe 2014:6) and clear causalities (know-claim-enjoy human rights) exists.

These existing differences between human rights, development and elements described above that make human rights work more complex and adversarial and even dangerous. This has naturally affected to the actual level of adaptation of HRBA in development agencies. These existing differences have also lead to a situation where the challenges arising from results agenda are experienced differently among rights-based and human rights actors, which is the reason why this thesis explores both of these experiences on the challenges in the research part II.

In the next section I will move to the challenges and unintended consequences described in the literature between the effectiveness rationale and other more normative agendas and the current hierarchy between the human rights and results initiatives creating also tensions to the actual ideal interplay in aid agencies.

#### **4.2. The difficulties in balancing with solidarity and effectiveness rationale**

The optimal scenario for any development aid would be that it supports both the solidarity and the effectiveness rationales, and that measures taken to increase and show effectiveness also lead to increased effectiveness as well as increased trust and solidarity. However, a wide variety of literature has also argued that effectiveness rationales and especially the results measurement and management reforms have led to so-called “unintended consequences” or “perverse effects” (see, for example Adcroft and Willis 2005; Natsios 2010; Smith 1993). (Vähämäki 2017:13).

It seems that when the-results-reforms are pushed very hard, the effectiveness rationale seems to take over other rationales and cause negative effects (Vähämäki 2018:13.14). In fact, as the results and evidence artefacts became more influential after 2008 as part of the broader effectiveness rationale a number of criticisms arose on their potential negative effect to solidarity and intrinsic (i.e. human rights) rationales in development sector. In fact, a number of criticisms have arisen on how the concept of aid effectiveness and especially its' fourth principle 'managing for results' and programming approach **RBM can potentially even undermine progress on human rights**. First, if results-based management leads donors to narrow the scope of development programmes in service of quantifiable short-

and medium-term goals, or emphasize technical support, this undermines a long-term structural approach to development as envisioned by a human rights and HRBA agenda (AG, 2007). Secondly, as one researcher forewarned, “[...] although all donors are supposed to promote partner country ownership, harmonize their efforts with other donors, and align themselves with partner country priorities, RBM simultaneously implies not only a focus on continuously measuring and reporting results but also stricter prioritizations on behalf of donor governments and their own commitments (Sjöstedt, 2013: 144). Thirdly, results agenda strongly emphasizing ‘evidence-based’ policies has been problematic for programmes inspired by a human right and/or HRBA, which cannot deliver clear-cut evidence of their effectiveness within fixed, short-term timeframes. (D’Hollander, Pollet and Beke 2013:20).

As described above, the transformative vision of HRBA rested on the combination of intrinsic and instrumental value of integrating human rights both as an end itself and as meant to an end. However, Darrow (2012:97) has argued that the question of **added-value of a HRBA has often been wrongly framed in terms of economic efficiency**, while in fact respect for human rights is justified on moral and legal grounds. Eyben (2014:141) claims that rights based approaches were the victim of increases in the aid budgets particularly when such increases did not provide for additional staff with human rights expertise. The efficiency demand came to mean spending more money with fewer staff (scaling up the aid), aggravating the tendency of not spending much time in projects with small budgets or those that involved complexities of inequitable power relations. The trend has been, since RBM, to regard international aid as simple - as on the website of a large international NGO that claims to fight poverty at its roots with simple , smart solutions” This is the language of best practice in development sector. (Eyben 2014:141)

Thus, in practice rights-based, transformational approaches (where ‘how’ matters as much as ‘what’) and transactional results-based management (focused on the ‘what’) may be uncomfortable bedfellows (Hulme, 2010; Eyben et al. 2015:131) The complexity and resource demanding of human rights approach have caused some international aid agencies to move away from their initial HRBA as they adopt a less complex ‘value for money’ approach in programming emphasizing short-term results and focusing foremost on the ‘mechanics’ of aid effectiveness. This is likely development direction especially in the absence of clear and global framework or guidance on how to integrate human rights and HRBA to aid effectiveness and results agenda and its’ programming tool RBM.

(D'Hollander, Pollet and Beke 2013:25) This is the reasoning for the first research question which is focusing on the complementarity approach to human rights, results, and effectiveness.

## **5. THEORETHICAL EXPLANATIONS AND SOLUTIONS TO THE TENSIONS BETWEEN RIGHTS AND RESULTS**

This section is describing the theoretical explanations behind the tensions between rights and results initiatives and what kind of implications of different theoretical origins in human rights have to assessment and learning, which are the key components of results management. The last section is visiting the possible alternative use of RBM and theories of change in human rights in order to better cope with the continuing need to manage complex realities.

### **5.1. Revisiting the complex, transformative potential of human rights and social change theories and Mainstream RBM approaches to change**

In order to understand the current challenges in the interplay of results and rights initiatives it is important to revisit their approaches to change.

Complex realities of development and especially human rights work and managing, 'being in control' of change are often considered even impossible concepts to combine. Complexity theory posits that it is not possible to predict with any confidence the relation between cause and effect. Change is always emergent and unpredictable, which requires flexibility to change in response to new opportunities and challenges. Organised efforts to direct change confront the impossibility of our ever having a total understanding of all the sets of societal relationships that generate change and are in constant flux. Complexity theory encourages a sense of not being in control of change and leads to a focus on the quality of relationships. It lets us understand power as fluid and relational, embedded in relationships and behaviours, rather than static and 'positional' (attached to formal roles) or ultimately based on force – 'power over'. (Eyben et al. 2008:204).

As described in section 2. social change theory -where human rights are based- emphasizes that more focus in development analysis should be put on the power relations in society and process. The theory also has an underlying understanding for the need to re-distribute power. (Vähämäki et al. 2011:31). This is a visible element of many HRBA

approaches. According to Guijt (2010) pro-poor social change efforts require conscious action and social change; it is a collective process of conscious efforts to reduce poverty and oppression by changing underlying unequal power relationships. The theory seems to imply that improvements, for example in development projects and programmes, are driven by information and experience-based (not evidence) reflections, and that assessment and learning are the processes of ongoing reflection about visions, strategies, and actions that enable continual readjustment. (Vähämäki et al. 2011:31).

In social change and complexity theories, causal theories (i.e. managing for pre-determined outputs, outcomes and impact) and technical approaches -where current mainstream RBM models are mostly based- are arguably under the greatest doubt. As described earlier, the current results agenda and mainstream RBM models) privileges 'functional accountability to results' and linear cause-and-effect thinking over a more responsive programmatic approach to change. This may explain the tension between current result-based approaches and a transformative level human rights and HRBA approach to social change on the other. No linear cause and effect relationship can be assumed in bringing about change, given the complex nature of change in particular in the field of human rights. There are no quick fixes, results may be difficult to quantify and it may be even more difficult to credit outcomes. RBM which seems to assume a direct causal chain between interventions and results, may paradoxically be a spoiler rather than a driver or facilitator of change (Vandenhoe & Gready 2018; Mustamäki-Laakso, Sano 2018). It can be argued that the introduction of the RBM models might in the end have led to more control and more distrust rather than back to trust and solidarity or accountability to learning as was intended in the early purposes of RBM models (Vähämäki 2018:13-14).

To conclude, in tension with the drive for results management and more assurance of pre-set results targets, there is a growing recognition of the complexities, ambiguities and uncertainties of development and especially human rights work, involving complex political and social change in dynamic country contexts (Vogel 2012:8). The vision of human rights and rights-based agenda described above, establishes a much more complex causal chain and therefore collides with some basic assumptions behind the traditional RBM assumptions on linearity and causality in results frameworks and chains. (D'Hollander, Pollet and Beke 2013:25) In the next section I will explore in detail what kind of implications these

features have to assessment and learning, which are the key components of results management.

## **5.2. Features of complexity and social change theories having implications to assessment and learning**

According to Guijt (2007:10) five interlinked features of complexity and social change theories have particularly significant implications for how assessment and learning takes place. These are:

- non-linear and unpredictable.
- multiple efforts on multiple fronts.
- the fuzzy boundaries of social change.
- the difficulty of recognising 'valid' results; and
- the long-term nature of social change.

Due to above complexities and theories behind change, among human rights community the traditional program evaluation model has been criticized for oversimplifying phenomena among human rights community (Pawson 2006; Hayden 2010; Patton 2011). Typically, results-based management is associated with interventions in social sectors (often education and health) and sometimes with interventions concerning other direct service delivery activities. These intervention areas have some specific features:

- It is easy to identify development results. In many areas, reference can be made to international and national objectives (e.g., Millennium Development Goals or national poverty reduction strategies) and / or international standards.
- These results are measurable.
- Data and baseline information is often available, or easy to collect. High additional transaction costs can normally be avoided.
- Intense disputes between the different parties around the definition of results, the indicators, the applied methods, and data are not expected.

The application of results-based management in other areas seems to be more challenging. For instance, applying results-based aid to governance presents the challenge of finding indicators that capture quantifiable results on the outcome or impact level. In

addition, there are political sensitivities when donors and partner countries must find mutually agreed results related to politicized issues such as human rights or democracy promotion (Klingebiel and Janus 2014:43). One positive result in these politicized issues might be just that the situation does not get worse.

According to Guijt, the mainstream RBM and monitoring and evaluation approaches (M&E) do not serve the type of change processes discussed here as appropriate assessment, learning, and processing requires adapting a combination of frameworks, concepts and methods in order to ensure that they address information and reflection needs, and match existing capacities. However, this does not imply that methods need to be either comprehensive or complex. (Vähämäki et al. 2011:31).

There is also the potential for confusion about how assessment enhances social change processes. For some, assessment is not a reflective exercise but is a monitoring process that is subsequently used to lobby for change. Take the case of Amnesty International, which collects data on human rights abuses and uses at the local level and then uses this data for pushing for social change at a higher level in government or internationally. This approach to ‘assessing social change’ is commonly found in the human rights tradition. (Guijt 2007:9).

### **5.3. The alternative use of RBM and theories of change in human rights**

It can though be argued that the successful management of change is crucial to any organisation in order to survive and succeed in the present highly competitive and continuously evolving business environment also visible in development cooperation (Todnem 2007:1). This naturally implies also to human rights organisations and other actors aiming to transformational social change. However existing management and assessment tools (not only RBM but also HRBA; see Kontinen et al. 2018) rarely encourage critical thinking and there are considerable political, organisational and bureaucratic constraints to the promotion of learning throughout the sector. Traditional management tools used within the aid industry – most obviously the logical framework (logframe) or causal results frameworks– rarely allow the flexibility to analyse the messy social processes that these interventions are dealing with. (Valters 2014:6)

As described earlier in analytical sections 1 and 2, results management can be however used for a variety of practices, including approaches which are underpinned by complexity theory or social change theory (Vähämäki et al. 2011:32). In fact, when results management came into fashion in development cooperation in the 1990's it was to be regarded as a return to the notions of Drucker (described in the section 2.1.), and his insistence on successful results orientation as a mind-set and a perspective on management and learning, rather than a precise set of instructions. Also Meier's definition (in section 2.3.) is emphasizing the learning aspect ahead of accountability on results and performance reporting. The fact that the term "results-based management" hence can be used for practices underpinned by very different ontological and epistemological assumptions can cause confusion, not least when it comes to the practical implementation of results-based management. (Vähämäki, Schmidt and Molander 2011:32-33). The Theory of Change approach – an increasingly popular results management tool and discourse in development – hopes to change some of that. (Valters 2014:6).

The problem with HRBAs seem to be grounded in assumptions of change that remain implicit and therefore often undebated. (Vandenhoe and Gready 2014:292). Ideally, a theory rather than assumptions of change should underpin HRBADs. (Ibid:294). Elsewhere<sup>7</sup>, Gready with Vandenhoe have been capturing the five key distinguishing entry point to theories of change in human rights work :1) the state 2) the law; 3) transnational and international collaboration; 4) localism and bottom-up approaches; and 5) multiple and complex methods". These differences in entry points to change are needed to understand while programming human rights and/or HRBA together with RBM to avoid unnecessary tensions. (Gready and Vanderhole 2014:295). In what follows, I mainly summarize the findings on these key entry points.

**The state.** In development, the role of the state (should it be an interventionist, managerial, or "small" state) is seen as a pre-eminently political question. In human rights, formally, a politically neutral stance on the role of the state is often taken, though the tripartite typology of state obligations (respect, protect, fulfil) clearly reveals that the state is to respect human rights (which excludes authoritarianism) and is expected to take positive action (which excludes a minimalist, non-interventionist state) (Gready Vandenhoe 2014:295). With

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<sup>7</sup> Gready with W Vandenhoe "What are we Trying to Change? Theories of Change in Development and Human Rights", in Paul Gready and Wouter Vandenhoe (eds), *Human Rights and Development in the New Millennium. Towards a Theory of Change* (Routledge, 2014),

regard to the state, two key tensions between development and human rights theories of change can be identified. The first is whether there is a development-human rights trade off, especially at the early stages of development. This tension relates to the classic debate about whether a state should sacrifice civil and political rights at the early stages of economic development. Second, while human rights organisations often have an adversarial relationship with governments, development actors, in part because they are much more dependent on governments as donors and in part because of the less politically contentious nature of their work, more usually work in partnership with governments. (Gready 2014: 48-49).

**The Law.** A fundamental difference between human rights and development actors and their approach to change is that they use different “legitimizing anchors”: whereas human rights actors tend to use (legal) norms as their legitimizing anchor and not effectiveness nor evidence, development actors seek it more in empirical observations. In other words, human rights approaches tend to be norm-based whereas development approaches take an evidence-based approach. (Vandenhoele and Grady 2014:297-298). Although the normative agenda is increasingly pursued under HRBAs in traditional development agencies, the approach does not necessarily emphasize human rights as legal obligations or the subject of binding treaty obligations under international law. This divergence results from legal constraints that put human rights beyond the reach of certain aid agencies’ mandates, the political sensitivity of connecting human rights to the development context, the diversity of government interpretations of human rights in international contexts, or institutional or organizational arrangements that keep human rights and development separate. (OECD 2013:70).

In fact, there is even a problem with the effectiveness agenda from human rights defenders/agencies perspective: any human rights actor/organizations does not need to actually solve human rights problems within its mandate to be considered to be effective. What it does need to do however is consistently address the major human rights problems (Calnan 2008:232) and be sure that its own goal setting is relevant to the human rights situation/context. In this context, accountability is understood as an effective and efficient use of resources. The concept of accountability as defined in the UN common understanding, however, refers to States and other duty-bearers as “answerable for the observance of human rights.” (Abero 2015:18-19) Using the law in development thus raises



questions of instrumentalisation and effectiveness. Nonetheless, human rights law is generally believed to have transformative potential because of its check on power and its focus on accountability.(Gready and Vandenhoe 2014:296).

**Transnational and international collaboration.** Two main models for transnational and international cooperation are dominant, each with its own theory of change: 1) North-South partnerships, which continue to characterize much development work. 2) Transnational advocacy networks, which are an important point of reference in the human rights literature. The latter literature relates to theories of change in that it seeks to understand changes in state compliance with international norms, and suggest processes or pathways through which actors such as NGOs and IGOs can help facilitate this goal. By identifying methods beyond the purely adversarial, the transnational advocacy literature helps to build bridges between human rights and related fields such as development. In contrast the North- South partnership theory of change takes neither the state nor international norms as its point of departure, but rather tries to empower and build the capacity of local actors in the belief that this will enable change to be locally owned, legitimate and sustainable. (Gready and Vandenhoe 2014:296).

**The role of localised, bottom-up approaches.** Transnational and international collaboration can be critiqued for being a top-down theory of change, more locally driven, bottom-up alternatives do exist. The main development modalities that focus on local context, power and politics prioritise participation, empowerment and citizenship, while an actor- oriented perspective serves a similar function within human rights. Perhaps the main area of tension between development and human rights in this context is the relative priority to be given to process versus outcomes criteria. Localism and bottom-up approaches champion not just a particular direction of change but also particular ways of working, which may take precedence over pre-conceived outcomes (such as the contents of national legislation or international treaties). As such, organisations and communities may define, prioritise, and champion rights that are not legally recognised. (Gready and Wandenhoe 2014:49) These struggles to change the human rights framework have not been captured in HRBADs. Whereas this does not exclude the use of human rights legal tools and norms, it does introduce a different starting point (local struggles, not international norms), a different prioritisation (processes rather than outcomes) and a different end-goal (change in power relations rather than the implementation of international standards). In turn, these

differences cast a light on the fundamentally opposite ways in which external actors can attempt to bring about social change, i.e. by drawing on pre-conceived norms or on local struggles. (Gready and Vanhenhole 2014:296) Moreover, the more deeply aid interventions immerse themselves in locally rooted processes of change, and the wider their reach across diverse local actors, the more difficult and also politically sensitive it becomes to ascribe causal effects and take credit for successes. (Eyben 2013: 271)

**Multiple and Complex Methods.** Much of the above discussion indicates the importance of complicated and complex methods in both development and human rights. Such methods are in part a function of history – and history depositing a layered archaeology from past political eras, priorities and cycles of donor funding. But such an approach is also an active choice in the present, and a statement that complex problems require complex interventions and solutions i.e. a rejection of simplistic linear, cause and effect, theories of change. Rogers (2008) makes a useful distinction between complicated and complex interventions. Complicated interventions have lots of parts (multiple components, multiple agencies, multiple causal strands). Complex interventions have uncertain and emergent outcomes (multidirectional causal relationships, ‘tipping points’, intractable problems). Using complicated and complex approaches has implications for the skills required to undertake human rights work and the strategies employed, but also raises difficult questions about prioritization, sequencing, the relationship between different kinds of intervention, and appropriate divisions of labor between various actors or professional sectors. (Vandenhoele and Gready 2014:50)

## **CHAPTER III METHODOLOGY**

### **3.1. Choice of method and sources of data**

The point of departure for the formulation of the research questions and the design of the research has been the previously identified gaps in the global framework for aid effectiveness from human rights perspective and in the guidance for the interplay between human rights and results approach; the limited understanding and literature on the actual interplay and the specific challenges arising to the rights based and human rights organizations; and the need to find alternative approaches to management for these organization and agendas to avoid the situation where organizations and donors adopt a

management model that actually can have negative impact on human rights agendas as well as operational effectiveness.

Due to the limited time for this thesis, it was hard to undertake a detailed empirical research. As the purpose of this thesis is to examine debates around results, rights and effectiveness and the actual interplay between them as well as emerging alternatives, my main method was the appraisal of theoretical and empirical literature. The literature review and text analysis was completed by using key words and synonymous-based search of articles, policy papers, evaluation reports, working group reports, guidelines and other relevant documents analysed. Titles and abstracts were explored to put aside irrelevant texts, followed by full review of the remaining texts. Additional articles were found from the references of the most relevant texts.

It is important to highlight that the aim was not to explore comprehensively the concepts results, rights, management, and effectiveness but to focus on the relationship between and interplay of these concepts. In addition, another emphasis of the dissertation is the alternative approaches emerging to overcome the tensions between the two initiatives. For example, while exploring the human rights and development articles, I was focusing on the implications of human rights approach to results, outcomes, effectiveness. These references in the texts were multiple. However, while I was reading the articles and other texts about results agenda and management in development sector, very few mentions on human rights were found. But from these texts on results and RBM (i.e., articles and reviews) I was able to find some solutions to the tensions arising from RBM and emerging alternative approaches arising in development management discussions.

The cases used in this research bear witness to the experiences of rights based and human rights practitioners who have felt frustrated by the results and evidence protocols and practices that have constrained their ability to pursue transformational development. One case (the case of Office of the High Commissioner for Human Rights OHCHR) used in this research to illustrate the experience of practitioners was also chosen to describe a transformative approach to results based management in human rights organisation.

The first research part is aiming to fill in the gap in the understanding of the complementarity interplay between the human rights, effectiveness, results and their programming principles

of HRBA and RBM in development cooperation. The complementary relationship is mostly described in policy papers and guidelines aiming to show the ideal interplay. Thus, in this research part I explored the few existing policy papers especially from OECD and Overseas Development Institute about the mutual relevance between human rights, results and effectiveness released rights after Paris Declaration on Aid Effectiveness missing explicit notion on human rights. After this I moved explore the existing guidance on the interplay between HRBA and RBM in international development to be able to draw on the more practical operational interplay of the two programming principles. I decided to present here the case of UN system as their guidance was most prominent in catching the transformative vision of HRBA.

Secondly, I explored the critical debates on the negative effect of results approach especially to transformational agendas in development. Some RBM and HRBA evaluations have been addressing the tensions between the actual operational interplay between HRBA and RBM on organizational level, but this thesis is not focusing on these organizational level cases, rather trying to capture the general effects and tensions between results-based and human rights approaches in development. To capture these general effects experienced among rights-based practitioners, I explored the text describing the voices of the Big Push Forward-network experiences with results approaches As the experienced vary between rights-based and human rights practitioners, I also explored four key texts drawing from the human rights community on the challenges of results demand to the human rights community.

Lastly, I analysed the texts on the possible solutions and alternatives to current results models especially arising from social change theories. I also decided to raise one good response in adapting RBM in human rights work in this research part. This case study is OHCHR, which has appropriated the language of RBM to improve its evaluation and planning capabilities while firmly rejecting the transactional approach to development that normally accompanies this. (Eyben et al. 2015:131-132). Also the paper 'No Perfect Measure' gathering human rights practitioners responses to results paradigm lifts the OHCHR model on RBM as a good example of applying the result management approach while being aware of its potential perverse effect in the field of human rights.

The core key texts described above generated data relating to the complementarity discourse as well as specific concerns of rights-based and human rights practitioners about RBM tools. The texts also revealed ideas and methods that are being advocated to mitigate the potentially negative effects of RBM tools. These were analysed to identify similarities

and differences in the proposed solutions to overcome some of the negative aspects in the final conclusions and ways forward. The findings from these analytical exercises are summarised in conclusion chapter. In addition to this description of my methodology and data above, I will still describe a little more on the method and data explored in the beginning of each research part.

### **3.2. Research questions**

My research can be divided into three parts by proposing three main research questions as follows.

RQ1: ‘What are the complementarities among human rights, effectiveness and results and in their operational interplay?’ The first part focuses on understanding the complementary and therefore adaptive approach to the interplay between results, effectiveness, and human rights.

RQ 2: ‘What are the challenges arising from results agenda to transformative agendas in development?’

The second part aims to look into how right based and human rights organizations have responded to the excessive results demand.

RQ 3: What are the emerging responses and alternative ‘better fit’ approaches to complex and transformative agendas?’

The third part explores some of the emerging responses and alternative ‘better fit’ approaches to results and development management.

### **3.3. Positionality: reflections on my own closeness to the field**

Positionality is a way of describing and disclosing the background, experience, values, and bias of the self to highlight the position of the policy researcher on an issue (Bourdieu, 1999; Prunty, 1985; Rizvi & Lingard, 2010) . According to Rizvi and Lindgard (2010:46) Unpacking the positionality of researcher means dealing with “the questions of who is doing the policy analysis and for what purpose, and within what context”. For this unpacking I must mention that this research emerged as a result of my expert position in a Finnish human rights foundation supported by the Finnish Ministry of Foreign Aid (MFA). In this position, I have been able to observe the evolving and often complex relation between the human rights framework and result based management (RBM) demand. Finland’s development policy

has been promoting Human Rights Based Approach (HRBA) to development since 2012 and Finland considers HRBA and RBM complementary and compatible programming principles in development cooperation. However, there is no practical guidance from the MFA about the relation between and the complementary application methods of these two principles.

For this reason, I together with the rest of the staff acting as human rights supporters have been conditioned to work on this complementary approach. During this period of building up the results approach and frameworks in human rights terms, I noticed how little literature and/or guidance there is about this topic explicitly. This gap in existing literature and studies and practical models solely focusing in the interaction of rights and results initiatives and the interplay of their two programming principles was the major driver for me to continue with the topic. I have also sensed from multiple discussions with the foreign ministry staff that there is a will to have human rights as the main driver for social change initiatives supported by the MFA, but that the expertise in combining the pressure on reporting results in human rights terms is lacking among the ministry staff not least because of the missing holistic guidance but also due to the reason that most of the supported explicit human rights initiatives are supported through human rights policy unit instead of the development unit.

To conclude, my experiences from working in a human rights foundation has most certainly influenced my own assumptions about results agenda and how human rights and development should be managed and is currently managed especially by the Finnish government. In this position I see a lot of tension between the current management style and human rights action especially done on the ground by grassroot human rights groups. To ensure quality I tried to be aware of this and reflect on my own positioning and how it might influence my text analysis. This is the reason why I consciously also picked more positive lenses and tried to see the opportunities arising from different texts from results agenda for human rights community and not only approaching the texts with critical lenses. This adopts well to the aim of 'playing the game to change the rules'(Eyben et al 2015).

Advantage of having this position and experience was that I was able to understand and relate to texts more easily and understand the common language used within this field. A disadvantage of this background was that it was sometimes hard to squeeze the angle of this thesis as I found so many aspects important to be better understood especially among human rights funders in order to better take the ownership of the results agenda.

## CHAPTER IV ANALYSIS

### PART 1 THE COMPLEMENTARITIES BETWEEN RIGHTS, EFFECTIVENESS AND RESULTS

The first part focuses on understanding the complementary and therefore adaptive approach to the interplay between results, effectiveness, and human rights and their operational interplay. This part is also divided to two different sections: first section is drawing from policy papers - published especially after the Paris Declaration on Aid Effectiveness (2005), which did not mention human rights - addressing the complementarities among human rights, aid effectiveness and the results management principle. The second section is exploring more the operational interplay in practice described most comprehensively in the UN guidance. As a whole, this part seeks to answer the first research question: 'What are the complementarities among human rights, effectiveness and results and in their operational interplay?'

#### **Human rights, aid effectiveness and results based management principle: the potential of having human rights as an accountability framework for effectiveness**

According to a study published by Overseas Development Institute (ODI 2006) right after Paris Declaration (2005) human rights provide to main forms of support in international development effectiveness discourse:

- A. Commonly shared and globally agreed normative and legal framework: This is one of the most complete and holistic frameworks available to the international community – including donor and recipient governments– for assessing development performance, providing universally applicable standards underpinning its claims to fairness, legitimacy, and objectivity.
- B. Series of practical tools and established programming approaches: Such as HRBA for applying the framework to development efforts. In practice, this entails analyzing the contribution that a human rights framework can make to interpreting and specifying the significance and reach of the five key principles of the Paris Declaration, a better understanding of the linkages among these principles, and its expected outcomes, results and impact(ODI 2006:viii-ix).

According to Piron, adopting a normative and intrinsic rationale would mean that development and its effectiveness should be assessed in terms of its success in improving the human rights and freedoms of the members of the society, particularly the most vulnerable and disadvantaged (Piron 2005:4). Normative and legal accountability framework has been considered as the most important value added of human rights approach to development and especially its' effectiveness. Human rights provide an accountability framework at the international, regional, and national (constitutional) levels, which emphasizes the need to document and monitor practices and progress regularly and provides recommendations and opportunities for compensation or redress. This channel of accountability can be used to hold states, but also aid agencies, accountable for their performance. (OECD 2013:74).

OECD's Human Rights Task Team stated in 2007 following:

"Human Rights and aid effectiveness framework should inform each other, rather than progressing on separate, disconnected tracks. Its principles of 'do no harm' and ensuring that the scaling up of aid is conducive to human rights, highlight two complementary dimensions of a key contribution that human rights can offer the aid effectiveness agenda" (OECD DAC HRTT *Human Rights and Aid Effectiveness*, 2007).

The same policy papers have been also describing the instrumental added value of human rights-based approach to results-based management principle in programming.

As mentioned earlier, there is no inherent conflict between human rights and results agendas. OECD study on "integrating human rights to development cooperation donor approaches and challenges" has highlighted the importance of integrating human rights and result based management hoping that more comprehensive framework should be adopted more widely among donors (OECD 2013:25) A human rights-based approach can be employed at different stages of both the development and results management process: planning, implementation, and evaluating results (OECD 2013:25).

According to publication commissioned by ODI for OECD-DAC GOVNET (2006) –published right after the Paris Declaration on Aid Effectiveness that was widely criticized of missing notion on human rights - there are two main entry points from a human rights perspective in relation to managing for results. First, human rights principles and standards can be used to



define the results to be achieved and the strategies needed to achieve them. The Paris Declaration does not mention any substantive goals beyond those specifically linked to aid effectiveness, leaving open the question of what aid effectiveness is meant to deliver. While first the MDGs and later on the SDGs have been generally adopted as the yardstick for defining the more specific long-term objectives of the aid enterprise, a formulation of the end objectives in terms of human rights realization could help to broaden the sets of results that more effective aid delivery modalities are supposed to help achieve. (ODI 2006:23)

Secondly, human rights thinking, and practice could be helpful for broadening the traditional top down and technical approach to monitoring, mostly confined to tangible, numeric and financial information to be made available by recipient countries to donors to fulfil their accountability commitment. From a human rights perspective, making accurate and qualitative information on the situation of human rights available to individuals is key for supporting them to claim their rights and to hold government to account. This is therefore the main objective for human rights monitoring and assessment. Articulating development results as 'results-as-rights' or results-which-are-rights has more potential to mobilize domestic pressure for better performance than do traditional technical approaches to development (Ibid 2006:23). Also, the OECD/World Bank study (2006:65) valued this holistic human rights integration to aid effectiveness debate as it is recognizing the political dimensions of aid as it attempts to change power relations within society.

The next section is moving to exploring the added value of human rights approach to results management in programming from policy papers to actually practical guidance on the interplay to describe it better in practice.

### **Guidance on the operational interplay between HRBA and RBM in the UN system: Some examples on the complementary elements**

During the analysing phase I got to learn that there is no holistic guidance on the interplay between the HRBA and RBM in development cooperation. However, there are some agency-level ambitious guidance on the interplay. Most prominent in catching the transformative vision of HRBA must be the guidance developed by UNIFEM already back in 2005<sup>8</sup>. The added value of this guidance is that it shows how HRBA can be applied to the

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<sup>8</sup> Available at: <https://www.scribd.com/document/58491247/UNIFEM-Essential-Guide-to-RBM-Feb-2005>

various stages of the programming cycle in RBM language and what are to right questions to ask at each programming stage (planning, monitoring and evaluation and learning) . Also United Nations Development Group- Human Rights Mainstreaming has developed a facilitation Guide<sup>9</sup> (in 2011 for Regional HRBA/RBM Workshop among UN regional staff including useful understanding of the actual interplay. This guide has later replaced the UN HRBA-portal having answers to Frequently Asked Questions about HRBA.

According to the UN Guidance on the interplay between HRBA and RBM The HRBA basically brings depth and legitimacy to the practice of RBM by telling the right questions to ask, the kinds of changes that organizations should be aiming for, and how to measure, monitor and report on change with stakeholders. (UNDG-HRM 2011:2)

The relationship between the two dominant programming approaches is however, described in many separate guidelines on either HRBA or RBM. HRBA has been considered in United Nations and other western development bilateral aid agencies, including Finland, as complementary programming principle to RBM in contributing to better and more sustainable results. For example the OHCHR underlines in ‘Frequently asked question on HRBA’ that there is no inherent contradiction between a HRBA and results-based management: the latter is a tool for managing a programme, while a HRBA defines the planning and process of a programme (OHCHR 2006:31).

Also the UNDG Handbook on results management (2011) states similarly: Whereas results-based management is a management tool that can assist in achieving a desired result, a human rights-based approach is a framework that can help to define both the results and the process by which they are to be achieved.’ According to the Handbook A human rights-based approach specifies the subjects of programming results: the rights-holders and duty-bearers. Furthermore, when utilizing a human rights-based approach:

- Outcomes reflect improvement in the performance of, or the strengthened responsibility of, the rights-holders and duty-bearers resulting from institutional or behavioral change.
- Outputs should close capacity gaps.
- Monitoring should reflect how programmes have been guided by human rights

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<sup>9</sup>Available at: <https://hrbaportal.undg.org/resources/the-un-common-learning-package-on-hrba>

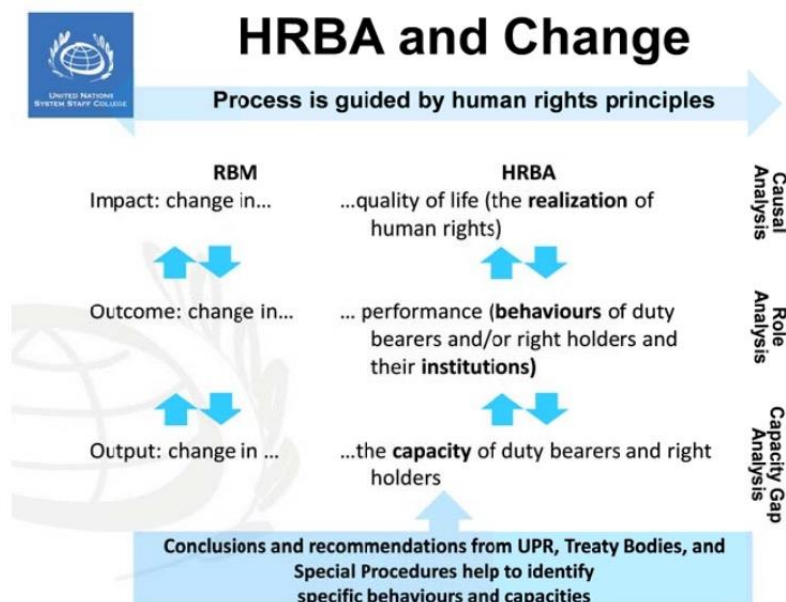
principles, such as non-discrimination, participation and accountability, in the process of reaching results.

- The programming results should specify the realization of human rights as laid down in international instruments.

OHCHR Guidance on HRBA has also clarified the added value of HRBA in relation to RBM. In the guidance, HRBA is referred as reinforcing situation analysis and therefore contributing to more sustainable results at three levels (OHCHR FAQ HRBA, 2006: 27):

- causality analysis: drawing attention to root causes of development problems and systemic patterns of discrimination;
- role/obligation analysis: helping to define who owes what obligations to whom, especially with regard to the root causes identified; and
- identifying the interventions needed to build right-holders' capacities and improve duty-bearers' performance.

A following picture taken from the training material of UN captures the ideal complementarities of RBM and HRBA.



Picture 1. Complementarity discourse

Whereas many donors now have both results based and human rights policies, and the value of a human rights-based approach (also in relation to RBM) is increasingly

understood, the challenges of implementing and evaluating the results of rights-based policies and approaches remain. Outcomes of HRBAs and explicit human rights projects can be hard to quantify, as they are focused on long-term, sustainable changes to power dynamics and political participation. However, emerging work on human rights indicators has potential relevance for measuring the impacts of HRBAs, and development indicators that account for HRBAs are also being used to demonstrate the evidence of effects of such an approach. (OECD 2013:25)

## **PART 2 THE EXPERIENCED CHALLENGES ARISING FROM RESULTS AGENDA TO TRANSFORMATIONAL AGENDAS IN DEVELOPMENT**

This chapter is based on the second research question, which is ‘What are the challenges arising from results agenda to transformational agendas in development?’ As the experiences with results agenda between human rights and rights-based organizations might be quite different as outlined above, this section is divided into two sections: First in handling the experienced challenges and unintended effects of result orientation especially among rights-based development practitioners while the second part is focusing on the concerns raised by human rights organizations having strong intrinsic rationale behind their operations.

In fact, many rights-based development practitioners have much longer experience with results initiatives than human rights practitioners, which have just recently adopted some elements of results-based management as explained earlier. The texts by Eyben et al. (2015) describing the individual practitioners both also the voices of the Big Push Forward-network experiences with results approaches to rights-based approaches, were extremely important in this analyse section. Also Cathy Shutt has been exploring the experienced challenges arising from results agenda to transformational agendas. As the experienced vary between rights-based and human rights practitioners, I also explored four key texts drawing from the human rights community on the challenges of results demand to the human rights community.

### **4.2.1. Challenges experienced among rights-based development practitioners**

The overall challenges discussed among development practitioners and in the literature in implementing results-based management produces an extensive list. However, the implications of results agenda to rights-based transformational agendas have been less

analyzed. By around 2010, an increasing number of development practitioners -among them many proponents of human rights and rights-based policies - started to also raise concerns about what they saw to be the agenda's pernicious effects to transformational, rights-based agendas (Eyben et al. 2015:12). A more recently gathered list by Shutt (2016:22-23) on the risks posed by the results agenda as perceived by practitioners involved in transformational development cooperation are listed in the following table:

Table 1. Perceptions of the risks of the results agenda especially to transformational agendas

Risks	Causes of risks
Less strategic, equitable, (Barder, 2012b <sup>10</sup> ) and transformational (Eyben, 2010) development cooperation	<ul style="list-style-type: none"> <li>- RBM targets skew priorities by creating perverse incentives to focus on the what: results, rather than the how: rights (Eyben and Gujit, 2015)</li> <li>- The need to spend and achieve results quickly reduces incentives to focus on the poorest and most marginalised people who are more expensive to reach and empower (Barder, 2012b)</li> <li>- Projects are the main unit of analysis rather than portfolios (ICAI, 2014)</li> </ul>
Reduced funds for innovative, risky, political or complex programmes (Natsios, 2010; Barder, 2012b; Power and Coleman, 2011)	<ul style="list-style-type: none"> <li>- Technical RBM planning tools that ignore different understandings of problems and uncertainty about change pathways are ineffective for planning, observing and measuring results of innovative programmes (Ramalingham, 2013)</li> <li>- RBM incentivises safe, blueprint programming. There are disincentives to propose risky programmes for fear of penalties following real or imagined (unprovable) 'failure'</li> </ul>
Reinforces a notion of transactional rather than transformational development in minds of the public (Roche, 2012)	<ul style="list-style-type: none"> <li>- The main indicators tracked and reported in public accounts communicate that development is a linear and predictable process that donors can buy, control and deliver to less fortunate people (Roche, 2012)</li> <li>- There is no recognition of the role that rich countries have</li> </ul>

	played in causing problems such as climate change and migration
Reduces the quality of learning for strategic accountability (Ebrahim, 2003; Guijt, 2015) and may result in doing the wrong things (Hughes, 2012)	<ul style="list-style-type: none"> <li>- RBM systems prioritize a decontextualized, technical approach to learning, driven by the desire to identify 'best practice' and replicate in stead of best fit (Chambers, 2010; Eyben, 2013). Donor desire to learn about 'what works' is prioritized over contextualized learning needs (Woolcock, 2013);</li> <li>- The methodologies exclude the voices and knowledge practices of partners and poor people, particularly women (Chambers, 2010; Wallace and Porter, 2013)</li> <li>- RBM creates perverse incentives that contribute to biased evidence and interest in justifying rather than identifying, learning from and reporting failure (Camfield <i>et al.</i>, 2014; Morton, 2009; Picciotto, 2016; TWP, 2014)</li> <li>- RBM focuses on short-term indicators, while ignoring unintended outcomes (Booth and Unsworth, 2014; Bamberger <i>et al.</i> 2016; Jabeen, 2016; Vallejo and Wehn, 2016)</li> <li>- More time spent on regressive learning of how to use RBM tools than on learning for social change (Shutt, 2006)</li> </ul>
Disempowered partners	<ul style="list-style-type: none"> <li>- RBM performance management tools such as proposals and logical frameworks reduce ownership, disempower and undermine trust (Wallace <i>et al.</i>, 2006; Win, 2004; Abu Alghaib, 2015)</li> <li>- Technical tools for negotiating and reporting that privilege certain kinds of knowledge are unjust and become a means of transmitting neoliberal management approaches (Ebrahim, 2005; Eyben, 2013; Guijt, 2015; Townsend <i>et al.</i>, 2002; Wallace and Porter, 2013)</li> </ul>
High transaction costs (Barder, 2012b)	<ul style="list-style-type: none"> <li>- Processes for agreeing RBM performance targets, establishing processes for monitoring them and taking corrective steering decisions, as well as aggregating data are time consuming and expensive (Barder, 2012b)</li> </ul>
Increasing donor control undermines ownership	<ul style="list-style-type: none"> <li>- Donor targets drive procurement, contracting, indicator choices, performance monitoring and management as well as</li> </ul>

(Barder, 2012b; Leroy 2012), and other Paris Declaration principles of alignment, partnership and accountability to local actors (Roche, 2015)	<p>evaluation. This creates incentives for donors to engage in direct delivery to control results rather than capacity building of local systems (Barder, 2012b)</p> <p>- Incentives to work collaboratively suffer because of increased difficulty of 'attributing' results in collaborative work (Vähämäki <i>et al.</i>, 2011)</p> <p>- Over specified inputs reduce the opportunity to adapt as a result of learning and undermine relationships of trust (Booth and Unsworth, 2014)</p>
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Three risks listed above by Shutt (2016:22) specifically effecting the rights based agendas were that:

- RBM targets skew more political priorities by creating perverse incentives to focus on the what: results, rather than the how: rights (Eyben and Gujit, 2015).
- The need to spend and achieve results quickly reduces incentives to focus on poorest and most marginalized people who are more expensive to reach and empower (Barder, 2012b).
- Projects are the main unit of analysis rather than portfolios (ICAI, 2014) and the results of different stakeholder initiatives.
- RBM systems prioritize a decontextualized, technical approach to planning, learning, driven by the desire to identify 'best practice' and replicate instead of 'best fit' (Chambers, 2010; Eyben, 2013). This is counter effective to highly contextualized and political approach to planning and learning in human rights.
- RBM focuses on short-term indicators, while ignoring unintended outcomes (Booth and Unsworth, 2014; Bamberger *et al.* 2016; Jabeen, 2016; Vallejo and Wehn, 2016).
- More time spent on regressive learning of how to use RBM tools than on learning for social change (Shutt, 2006).

In the next section I explore more on the experienced negative effects among the rights based practitioners through texts articulating the voices of The Big Push Forward, which is

one of the most important informal network of over 300 practitioners addressing the effect of results agenda especially to the rights based agendas.

### The Big Push Forward Network

Many practitioners especially in the informal network of the Big Push Forward, were worried that the results and evidence agenda undermined the transformational potential of human rights and rights-based development aid and that agencies would move to support more tangible but less-transformational work. They saw that this stronger adoption of result and evidence agenda risked reinforcing power relations and structures that reproduce rather than diminish inequality, injustice, and the non-fulfilment of human rights. (Eyben 2013:10) These concerns seem to be actualizing as according to Eyben (2013:10) the increasing dominance of results and demand for evidence artefacts coincides with and may be a consequence/cause of the aid funding landscape changing, notably with donors' interest in human rights, HRBA and social transformation declining.

Staff in rights based international NGOs have express sorrow especially through the informal network of Big Push Forward, that relationships are being undermined and that the slow work of social change is being replaced by the delivery of superficial results, reported to the donor as quick wins, but that do not have any lasting, transformative effects.(Eyben 2014:141) According to the critics in BPF network, the contradiction between rights- based approaches – and their political process approach to intangible intermediate goals such as empowerment – and the growing popularity of RBM; were becoming increasingly apparent and harder to manage. Rights-based approaches – and all that they meant with respect to the messiness of political voice and shifts in power relations – have been replaced by managerial attempts to turn struggles for rights into “policy advocacy\* and ‘capacity building’ instead of describing the politics and the power play and the protection dimension of rights based approach. (Eyben 2014:141)

Rights-based practitioners of development with transformational agendas argue that, by prioritizing results which are Specific, Measurable, Attainable and Time-bound, (using the famous SMART acronym), we might be prioritizing results which are not Relevant, or from the HRBA point of view, rights-based. For example, the members of the Big Push Forward viewed results described in terms of quick, tangible outputs as contradictory to rights-based approaches that seek to transform power relations (Eyben and Guijt 2015: 9).



A broader criticism of members in BPF have been that the emergence of the value for money-concept and evidence-based approaches represent a return to a technocratic vision on development cooperation whereby the underlying 'politics' of development and development goals are not addressed (Eyben, 2013, p. 19). Disputes have arisen especially around the power dynamics that determine who decides what gets measured, how, and why. (Eyben 2014:141)

Concerned practitioners mentioned the time and money wasted in negotiating with funders over the utility and feasibility of imposed protocols and complained of the accountability pressure that forced the generation of 'sausage numbers', leaving limited time and energy for adaptive and responsive learning and programming in support of complex change processes such as human rights. While accounts about the more negative power dynamics of the agenda were discussed, people were still frightened of going public about their experiences of distortions and problems. They feared exposing international aid to an often skeptical press, or being subjected to ridicule – or worse, putting their jobs or organizations at risk. (Eyben et al. 2015:34-35).

Members of BPF reminded that all human rights funders should recognize their own institutions and selves as accountable to the human rights movements and organizations holding states accountable beside individual rights-holders they profess to support. In practice, however, the top-down and obligatory nature of the results targets often create tensions in the relationships between human rights funder and their implementing partners and movement on the ground. The result has been an increasing push in systems towards inflexibility and 'upwards' accountability, increasing tendency towards the use of 'power over' in relationships both internally and externally, and that some practitioners have had to invest more time and energy in trying to mitigate the negative effects of the results agenda on work going on in-country. (Eyben et al 2015:169-170).

Some practitioners have articulated their worries in less political terms and were more concerned about the new emphasis on measuring quantitative results in quite technical terms, for example relating to the methodological challenges associated with measuring and evaluating human rights. While in the field of development cooperation international aid agencies developed a long tradition and well-established methodologies to assess the impact and effectiveness of its interventions, that is not the case in the area of human rights and other more political savvy support. Results agenda might be thus considered to be only

positive in strengthening the results reporting and evaluation tradition among human rights community and therefore the visibility of development effectiveness of aid, but in practice matters are more complicated. (Shutt 2016:25).

#### **4.2.2. Key concerns in human rights community: the questions of power and accountability**

In this section I describe the key concerns expressed by the human right community over the results agenda. This is important as people in human rights field find still their approaches to influencing social change different in comparison to the rights based practitioners as described in the analytical framework. I was able to find 4 key concerns from the text analyzed which explains the four subsections in this part.

##### Institutional rationale and mandate of explicit human rights action: Legal framework as the primary point of reference to change

Unlike most of the organizations using HRBA as their operational framework, many organizations doing explicit human rights work identify the human rights legal framework as their primary point of reference in engaging or supporting social change. This identification with human rights shape their thinking around impact assessment including underlying theories of change, methodology, conversations with stakeholders and notions of effectiveness. (ICHRP 2011:2). This identification was also shared among the participants of the international Council on Human Rights Policy (ICHRP) Network's workshop called 'No perfect Measure: Rethinking the evaluation and assessment of human rights work'. The workshop report stated that:

'Perhaps the most clear-cut particularity of human rights work was felt to be its grounding in an international legal framework with accompanying mechanisms. This engenders the most basic aspect of human rights work – holding states and other power holders to account, publicly and often internationally, for their actions, measured against these legal obligations. However, development and humanitarian organizations more often work to create 'partnerships' with government agencies and rarely focus as much attention on who is to "blame" or who should be held to account, but rather concentrate on more immediate and practical needs. (ICHRP 2012:7).

The focus on legal accountability as opposed to cooperation and/or capacity building of power-holders (like in most HRBA models) means that human rights work is often considered more politicized in nature than the work of development and humanitarian communities. Moreover, human rights advocates, especially when they name-and-shame, are more likely to be the direct (rather than indirect) targets of government repression. Thus, many participants pointed out that in contexts that are severely repressive, merely managing to keep a human rights organization alive, however skeletal and limited its work, should count as a significant success. (ICHRP 2012:7).

Secondly, it was clear among the practitioners that human rights work, especially advocacy, follows an often long and unpredictable path with many setbacks, as well as (hopefully) 'champagne moments. Human rights change is aimed at challenging and sometimes overturning current power relationships and therefore indicators need to be long-term and qualitative. (ICHRP 2012:8)

The other central concerns among the human rights practitioners seemed not be effectiveness agenda nor results orientation itself but its transformation "from an enabling tool to a paradigm" leading over time to the increasing entrenchment of potentially technocratic approaches, which seem to shape what organizations are, not just aspects of their work. (ICHRP 2012:1)

#### Measurement issues: measuring the human rights situation of both positive and negative rights and not the performance

What makes 'accounting' and 'measuring results in human rights very complex is that rights are about more than levels of attainment. They are about relationships between individuals and duty-bearers, about the mechanisms by which claims, and corresponding obligations are mediated. Thus, human rights organisations usually prefer using anecdotal evidence, eyewitness testimonials, and the individualized human story to get their points and results across the wider public. (Carr Center 2005:3).

At least two other significant related concerns seemed to come through the discussions in this respect: a) That human rights work is being driven into "what's measurable instead of what matters" (i.e., that a focus on programming with benchmarks and predicted outcomes/impacts is actually narrowing or diluting visions of broad social change or justice); b) The

fact that advocates and organizations “are justifying themselves not in terms of being [part of] a social movement but of trying to achieve specific goals”, demonstrably measurement-friendly.(ICHRP 2012:4)

The human rights community has adopted an ambivalent and inconsistent approach to measurement and metrics for three main reasons. Firstly, the concern overturning compliance into conditionality<sup>11</sup>, and second, the philosophical preference to eschew numbers: when human suffering and indignity is the issue, even one as a number can be quite telling despite being statistically negligible. Most reservations, though, revolve around questions of how to apply measurement techniques to complex processes to which this thesis is also trying to respond in the coming example of OHCHR. Advocates suggest that the inability to conclusively demonstrate effects does not necessarily mean that the desired results are not occurring, and that many measurement techniques capture effects only partially or imperfectly, focusing on only the measureable aspects while missing the more important, but less measureable, ones. (ICHRP 2011:4-5 Assessing the Impact of Human Rights Work: Challenges and Choices ) One obstacle to rights-based measurement is also the widespread reluctance to quantitatively measure civil and political rights, which are thought to be negative (such as the right *not* to be tortured) (Carr Center 2005:12).

Human rights community is in general, profoundly uncomfortable with the measurement of progress and general trends. However, the human rights community is not unique in facing conceptual challenges to measurement. It is closer to the truth to say that the reluctance of human rights professionals to think through our own performance goals in concrete, measurable, outcome- oriented terms stems from a philosophical aversion to quantifying human suffering. A basic ethical pre-supposition underlying the human rights movement is that as long as a single prisoner remains in unjust confinement or a single child dies of a preventable condition, it is complacent to speak of “progress” for prisoners or children in the

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<sup>11</sup> Some donors have been developing standardized, quantitative measurement tools, which assess and rank countries according to their performance in “human rights” and “governance” in order to determine their eligibility for aid. However, aid conditionalities can have the perverse effect of leaving the countries with the worst human rights records economically disengaged, and therefore unlikely to heed international pressure and improve their domestic practices. (Carr Center 2005:16-17).

aggregate. Unsure how to square this conviction with the more utilitarian task of setting benchmarks for success, the human rights community has traditionally avoided the endeavor altogether, preferring instead to measure rights problems and progress anecdotally, focusing on the individual story, the illuminating testimonial. (Carr Center 2005:3-4).

This correlates with the case study done by Schlangen (2014:6) of three human rights organisations that states that ‘what is measurable is potentially at odds with what is right. The moral imperative of human rights work means that results can be amorphous, long-term, and potentially unattainable—the opposite of measurable. As one human rights advocate articulated during the case study:

*‘I spent eight years defending political prisoners. There was no hope of their release. I lost every case. What was my [observable] impact? Zero. Should I have done it? I haven’t found one person who says no. So, that’s an issue. How do you really measure your capacity for transformation when not much transformation happens in front of you?’*

In addition, planning for a specific result at a specific point in time risks oversimplifying human rights work. The drive for specific measures can mask complexity and can have unintended consequences as illustrated by the following quote from another advocate.

*‘We used the number of political prisoners [as an indicator] ...The numbers went down but it might be because the government was just shooting prisoners instead of holding them.’(Schlangen 2014:6).*

As staff members of Amnesty International explained:

*‘Sometimes human rights “impact is not observable. Work that is preventative or focused on preventing a situation from getting worse is difficult to measure, as are efforts to prevent actions that often are unreported, hidden, and illegal.’*

*‘For my work, and I think for lots of other colleagues, there is definitely a question that specific, measurable indicators are not possible to have in all our areas. If we are trying to prevent executions, just counting executions in some countries is problematic.’ (ibid:10)*

Unsure how to square this conviction with the more utilitarian task of setting benchmarks for success, the human rights community has traditionally avoided the endeavor altogether, preferring instead to measure rights problems and progress anecdotally, focusing on the individual story, the illuminating testimonial. (Carr Center 2005:3-4).

### The question of evaluation

All of the variables outlined above create challenges for traditional evaluation methodology, which prefers interventions to be more predictable, linear, and controlled (ICHRP 2012:3). Human rights organizations tend to perceive many deterrents to evaluation having implications to the form of evidence used in human rights work. These generally fall into three categories: conceptual challenges related to the unique nature of human rights work, the organizational culture of human rights organizations, and evaluation perceptions and capacity<sup>12</sup>. The following table identifies specific evaluation challenges in these categories. It lists them side by side with challenges faced by organizations that conduct international development work and advocacy (Schlangen 2014:5) in order to better understand the specific evaluation challenges of human rights in relation to other development organisations and especially those involved in advocacy.

Table 1. Evaluation Challenges for Human Rights Compared with Development and Advocacy Efforts (collected by Schlangen 2014:5)

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<sup>12</sup> Challenges are drawn from: Carr Center for Human Rights (2005). Measurement and human rights: Tracking progress, assessing Patton, M.Q. (2011). Developmental evaluation: Applying complexity concepts to enhance innovation and use. New York: Guilford Press. impact. Cambridge, MA: Harvard University; Gorvin, I. (2009). Producing the evidence that human rights advocacy works. Journal For example, see Barkhorn, I., Huttner, N., & Blau, J. (2013). Assessing advocacy. Stanford Social Innovation Review (Spring). of Human Rights Practice, 1(3), 477–487; Gready, P. (2009). Reasons to be cautious about evidence and evaluation: Rights-based

	HUMAN RIGHTS	Also a challenge	
		DEVELOPMENT	ADVOCACY
<b>NATURE OF THE WORK</b>			
Prescriptive and normative based on legal frameworks and moral imperatives, rather than operational	✓		✓
Complexity of problems, change proposition and/or environments	✓	✓	✓
Change or impact is a very long-term proposition and/or systemic	✓	✓	✓
<b>ORGANIZATIONAL CULTURES AND WAYS OF WORKING</b>			
Change is achieved through contributions of many actors	✓	✓	✓
Highly adaptive, limiting utility of linear planning	✓		✓
Culture of intuitive, anecdotal assessment of effectiveness rather than systematized processes	✓		✓
<b>PERCEPTIONS OF EVALUATION AND EVALUATION CAPACITY</b>			
Work is culturally contextual, defies comparison of indicators and outcomes across countries and cultures	✓	✓	✓
Evaluation should be quantitative; qualitative evidence lacks methodological rigor	✓	✓	✓
Evaluation introduces the risk of driving work to demonstrate results	✓	✓	✓
Perception that evaluation requires definitive attribution of impact or proof of contribution	✓	✓	✓
Difficulty demonstrating a connection between work and impact on people's lives	✓		✓

I would still add myself one factor making evaluation challenging in human rights: Data is often unavailable either because it is uncollected or because it is even dangerous to get.

As Table 1 illustrates, most of the evaluation challenges cited by human rights organizations are shared to some degree with organizations engaged in advocacy and development/humanitarian efforts. The preference to use anecdotal evidence and the issue that human rights are normative and prescriptive while evaluation serves the operational are unique challenges.

The widely shared additional concern among human rights community is that the current results culture tends to be significantly skewed towards promoting upward accountability (i.e., to donors) and that evaluation has become a highly specialized field with its own vocabulary and interests. (ICHRP 2012:5) The question posed by human rights community is whether the currently dominant results-based culture and managerialism actually leads to meaningful evaluation practices and accountability? Nevertheless, the power relationship is such that grantees holding donors accountable is all but impossible, leaving human rights organisations (many of whom also feel that their perceived independence and credibility is

affected by relationships with governments) with difficult decisions to make about whether or not to accept money in such circumstances. (ICHRP 2012:5)

### Particular challenges arising to the human rights movements

It is important to note that the participants in the ICHRP workshop on results agenda and human rights highlighted that the 'exceptionalism' of human rights work should not be exaggerated. For example, human rights activists can be service providers as well as advocates and sometimes work promoting socio-economic well-being by human rights and by development groups is not easily distinguishable. There is much evaluation experience and practice to be exchanged across different disciplines; nevertheless, it was felt that evaluation practices must also be sensitive to potential particularities and divergences. (ICHRP 2012:9). Fernande Raine (2006:14) has though listed some challenges that especially the human rights movement faces in tackling especially the measurement issue:

- **Balancing transparency and security.** In certain circumstances, transparency on methods and techniques can endanger organizations that work in high-risk environments. Human rights advocates in many countries where, arguably, their work is most needed, regularly face personal threats and organized attempts to shut their organizations down. In these cases, transparency would not only endanger the personal security of individuals, but also compromise the long-term effectiveness of the organization's campaign.
- **Allowing for flexible responses.** Human rights organizations often find it hard to plan actions in detail, since the breadth of their mandate forces them to remain flexible to react as issues develop. Unexpected changes and outcomes are a regular occurrence, making linear planning models insufficient.
- **Acknowledging the collaborative nature of advocacy.** Given the variety of factors, individuals and institutions that influence any change in systems, it is often very difficult for organizations to take credit for a specific result.
- **Empowering others to take credit.** Much human rights work is geared toward effecting policy change. In many cases, the government agency or official who needs to make the policy change would be politically and personally compromised if it were acknowledged that pressure from the human rights community played a role in changing his or her mind. In these cases, no matter how certain the human rights



organization might be about the immediacy of its effect, claiming it might limit its access to that channel of influence in the future.

- **Acknowledging the long-term nature of the impact.** Effective advocacy campaigns and human rights interventions must frame their goals with attention to both short-term objectives (e.g. a radio program or a training session on domestic violence) and long-term, transformational, systemic goals (e.g. changing attitudes about women's rights).
- **Accommodating the culture of values-based volunteerism.** The human rights movement - particularly in the northern hemisphere - carries a long-standing volunteer tradition; an emotionally motivated support base for whom the talk of measurement and effectiveness is largely irrelevant in their ability to feel like they have "done good."
- **Appreciating the contextual nature of human rights work.** It is difficult to compare human rights techniques in different countries, because so much of the work is culturally and contextually specific. Working towards eradication of domestic violence in a society in which women are largely working in their homes will, for example, require very different strategies than in a society in which women have a stronger role and voice in the public sphere. (Raine 2006:14).

To conclude, there are some specific tensions arising from results and measurement revolution to human rights. However human rights movement has been also articulating how more accurate self-assessment is necessary to any organization if they want to learn from past experiences and refine their strategies to ensure the best possible outcomes in the future. Due to their dependency on external funding, almost every organization with a societal mission has some sort of reporting system in place on outcomes. There are also many—the direct targets and others—who would like to discredit and dismiss human rights organizations, or are skeptical of the value of condemning human rights abuse in the absence of an appetite among influential governments to apply meaningful leverage. The hostility and the skepticism have raised the stakes for the human rights community to explain their purpose and their tactics, including in terms of how they assess their own effectiveness.(Gorvin 2009:1)

### **PART 3 SOME EMERGING RESPONSES AND ALTERNATIVE APPROACHES TO COMPLEX AND TRANSFORMATIVE AGENDAS**

This part explores some of the emerging responses and alternative 'better fit' approaches to results and development management. The research question this part is aiming to respond is 'What are the emerging responses and alternative 'better fit' approaches to complex and transformative agendas?' As mentioned earlier, some RBM reviews (used especially to build the conceptual framework) listing the unintended consequences of the RBM approach in development sector, also had further references to critical development management studies exploring the alternative better fit approaches to mainstream RBM models. Here Shutt's (2016?) categorisation was key in understanding the possible solutions behind a better fit approach to change the current RBM model in a way that it takes better notion on the assumptions and nature of development sector. Before exploring the recently arising alternative assumptions and approaches, I decided to present the organisational response of OHCHR, which has been championed in adapting RBM while rejecting the transactional approach to development change.

#### **4.3.1. The case of OHCHR: Creative adaptation of RBM while rejecting the transactional approach to development**

As mentioned earlier, United Nations Office of the High Commissioner for Human Rights, has appropriated the language of RBM to improve its evaluation and planning capabilities while firmly rejecting the transactional approach to development that normally accompanies this. (Eyben et al. 2015:131-132). Also the paper 'No Perfect Measure' gathering human rights practitioners responses to results paradigm lifts the OHCHR model on RBM as a good example of applying the result management approach while being aware of its potential perverse effect in the field of human rights. This section will now explore more on the OHCHR approach to RBM and the review on the integration especially in relation to the other main programming principle of UN and OHCHR the HRBA.

##### Combining RBM with HRBA and assumptions behind the theory of change

Adaptation of the RBM model to human rights work has been also challenging to the policy, planning, monitoring and evaluation section of OHCHR. However, in pushing the limits of the classic RBM model to adapt to the unique requirements of human rights work, the planning and monitoring and evaluation team has demonstrated the potential of this model, which is often perceived as too rigid by the human rights community. Apart from consistently

combining results-based management (incl. using the theory of change) with the human rights-based approach to programming, the following assumptions have been adopted:

- OHCHR defines a result not only as a change but also as the prevention of a negative change, when it operates to prevent the deterioration of compliance with international human rights standards
- OHCHR accepts that, because of its mandate, it may need to continue investing resources in challenging human rights areas where it is known that results may not be achievable within a given programming cycle
- OHCHR recognizes that human rights results are the outcome of a combination of factors and of the work of many diverse actors; consequently, OHCHR rarely speaks of attribution and prefers to highlight its collaborative contribution to the achievement of results, and those of its partners, in its reporting
- Considering the confidentiality parameters within which it often operates, both in relation to duty bearers and rights-holders (and particularly victims of human rights violations), OHCHR does not publicly report on all of its results.(ICHRP 2012:4).

Beside communicating the particularities of human rights work, OHCHR has been evaluating the RBM model. The latest evaluation published in 2019<sup>13</sup> is also addressing the negative effects of RBM to be aware of to avoid tensions also with HRBA.

#### OHCHR and measurement framework for human rights results evidence in and SDG era

As outlined earlier an important reason to measure human rights is to motivate the members of the movement. The human rights movement will fail to sustain its constituency of support if it cannot point to real progress and demonstrate to an often cynical and jaded public that measurable change has occurred. The public, in other words, needs observable proof that its donations make a difference. (Carr Center 2005:5). OHCHR has done groundbreaking work by publishing a guide to measurement and implementation of human rights by human rights indicators (2012)<sup>14</sup> which can be used to gather evidence on change

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<sup>13</sup><https://www.ohchr.org/Documents/AboutUs/Evaluation/EvaluationimplementationResultsBasedManagementOHCHRFinalreport.pdf>

<sup>14</sup> Access to full guide [https://www.ohchr.org/Documents/Publications/Human\\_rights\\_indicators\\_en.pdf](https://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf)

(both negative and positive). This measurement framework is already being applied by national governments, national human rights institutions, and non-governmental organizations worldwide.

The OHCHR's framework for indicators allows states to assess their own progress in implementing human rights and compliance with the international treaties, and also provide tools for civil society to monitor progress and ensure accountability. They can assist national governments in implementing rights-based policy, bolster cases argued by human rights advocates and provide further access to information. (OHCHR 2012:27). By having human rights as a baseline, the monitoring of results is collecting relevant information on the situation of human rights, which can be used to lobby for change.

The OHCHR's framework recommends the development of *structural*, *process* and *outcome* indicators which would work as a relevant evidence on the human rights performance of the state. This configuration of indicators should help assess the steps being taken by states in addressing their obligations – from commitments and acceptance of international human rights standards (*structural* indicators) to efforts being made to meet the obligations that flow from the standards (*process* indicators) and on to the results of those efforts (*outcome* indicators). (OHCHR 2012:xx).

According to the guidelines, the realization of human rights requires continuous efforts on the part of the duty bearer, primarily the state, to respect, protect and fulfil them, and for rights holders to know and claim their rights. In monitoring the implementation of human rights, it is important, therefore, to assess, at a given point in time, the identified outcomes that correspond to their realization. It is equally important to assess whether the processes underpinning those outcomes conform, over time, to the relevant human rights standards. This necessity to monitor outcomes as well as underlying processes is, perhaps, not always equally recognized for civil and political rights and economic, social, and cultural rights (OHCHR 2012:33-34).

While the more specific long-term objectives of the aid enterprise and the formulation of the SDGs is not yet done in terms of human rights instruments it is important to strengthen the understanding of linkages between the SDGs and human rights standards. OHCHR has contributed also on this issue causing often tension between HRBA and RBM approaches

by providing the linkages between the SDGs and relevant international human rights instruments<sup>15</sup>

#### 4.3.2. Alternative management paradigm and most problematic assumptions

During the last ten years, the various communities of practice introduced earlier have advocated concepts and approaches that seek to overcome the most detrimental effects of RBM described in Table 1. They do not take issue with *all interpretations* of results-based management; however, they do draw attention to the weaknesses of assumptions underpinning some key RBM tools. These assumptions not only encourage the idea that development is mechanistic and can be managed and controlled, they also drive the belief that it is possible to identify and implement best practice solutions (Booth, 2012b; Carothers and De Gramont, 2013; Eyben, 2015; Ramalingham *et al.*, 2014). (Shutt 2016:27).

A number of practitioners have turned to social change theories and complexity science and adaptive systems to help conceptual thinking related to planning, monitoring, evaluation and learning for ‘best fit’ rather than best practice solutions. There is no singular definition of complexity science as it encompasses a broad range of theoretical approaches. But Ramalingham (2013), Chambers (2010), Eyben (2005), Hummelbrunner and Jones (2013), Patton (2011) and Root *et al.* (2015) have all employed key concepts to illuminate weaknesses in the fundamental assumptions underpinning the RBM paradigm. Table 2. summarises their analysis of the ‘problematic’ assumptions associated with the new public management RBM paradigm, contrasting them with alternatives that have informed the approaches they advocate as more effective means for programmes seeking long-term, locally led results. (Shutt 2016:xx). This table is collected by Shutt (2016:25-26) and adopted originally from ideas in *Chambers (2010: 46–47), Ramalingham (2013) and Root et al.*

Table 2: Assumptions underpinning approaches to development management (Shutt 2017:27-28)

Assumption area	More like the established RBM paradigm	More like an alternative management paradigm
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<sup>15</sup> [https://www.ohchr.org/Documents/Issues/MDGs/Post2015/SDG\\_HR\\_Table.pdf](https://www.ohchr.org/Documents/Issues/MDGs/Post2015/SDG_HR_Table.pdf)

<b>Problems</b>	<ul style="list-style-type: none"> <li>- Problems can be identified, are bounded and mutually understood; best practice solutions can be mutually agreed</li> </ul>	<ul style="list-style-type: none"> <li>- Different actors have different understandings of problems and solutions</li> </ul>
<b>Change</b>	<ul style="list-style-type: none"> <li>- Linear, proportional, predictable and controllable</li> </ul>	<ul style="list-style-type: none"> <li>- Unpredictable and the result of multiple human interactions and feedback, shaped by politics and power</li> </ul>
<b>Knowledge, learning and evidence</b>	<ul style="list-style-type: none"> <li>- It is possible to generate objective evidence and use it to inform optimal policy options and programme plans</li> <li>- Evaluation is driven by learning questions to prove attribution and validate policy options</li> <li>- Rational, behavioural approach to learning that is a response to top-down rules and incentives</li> </ul>	<ul style="list-style-type: none"> <li>- No knowledge is value-free, thus policy decisions are based on partial information and political pressure</li> <li>- Planning is based on consideration of different scenarios in light of understanding of political context that includes participatory analysis and consideration of how history happens</li> <li>- Local learning from participatory monitoring of results, or lack of them is key to real-time learning and adaptation</li> <li>- Evaluation is able to explore fundamental assumptions about social change and unexpected outcomes</li> <li>- Learners use deductive and inductive reasoning. They learn and adapt through behavioural, cognitive and social means</li> </ul>
<b>Power, relationships and capacities</b>	<ul style="list-style-type: none"> <li>- Formal between atomised individuals, managed by contracts and rules</li> </ul>	<ul style="list-style-type: none"> <li>- Informal relationships, trust and flexibility are important; political and relational skills count</li> <li>- Capacities are distributed so collective action is a challenge</li> </ul>

	<ul style="list-style-type: none"> <li>- Informal relationships and individuals' political savvy and relational skills are unimportant</li> <li>- Capacities are easy to organise to achieve common goals</li> </ul>	<ul style="list-style-type: none"> <li>- Power is everywhere and relationships are messy</li> <li>- Structured relationships maintain informal institutions such as cultural norms that create inequity as well as challenge them</li> </ul>
<b>Roles and behaviours</b>	<ul style="list-style-type: none"> <li>- Managing and controlling to satisfy upward accountability and achieve results</li> <li>- Driven by concerns about efficiency</li> </ul>	<ul style="list-style-type: none"> <li>- Facilitative and trusting, allow discretion and encourage learning and quality assurance</li> <li>- More concerned about effectiveness than efficiency</li> </ul>

(Adapted from ideas in Chambers (2010: 46–47), Ramalingham (2013) and Root et al. (2015))

Critics of a narrow interpretation of the results agenda all seem to agree on the need for planning, monitoring, evaluation and learning approaches to embrace new assumptions about the particularities and nature of problems that each development cooperation agency and sector aim to address, the nature of change processes and the kinds of relationships required to achieve results. Some of them also draw attention to the benefits of development cooperation practitioners reflecting further on the nature of knowledge and evidence that enables learning and informs policymaking and practice. (Shutt 2016:38).

### Embracing new assumptions and explicit theories of change in human rights work

Embracing new assumptions about the nature of human rights work would demand a return to the distinguishing factors between human rights and development sectors and to the particularities of human rights work and their approach to change described earlier in this thesis.

As described in the analytical part, theories of change (ToC) – a central tool of RBM models – have been considered as a good tool to communicate these assumptions behind change of each sector. Theories of change in development are more advanced, originating in the literature on monitoring and evaluation. In human rights practice, theories of change have been just few or even non-existent often explained by its' complex approach to social change but also independency from government funding and therefore also from donor-driven results pressure. (Gready 2015:28). However, it is clear that most of the sustainable

development work involves change processes which are dynamic and often difficult to predict i.e. complex. In order to make good management decisions, it is argued that you to make sense of such complexity to avoid becoming overwhelmed by it or neglect its implications. (Eyben et al. 2008:203-204). This seems to be noted also among the human rights organisations as many of them have been working of building a ToC in human rights support (i.e. OHCHR, Amnesty, Human Rights Funders Network).

The key entry points to change offered by Gready and Vandenhole (2014) in section 4 in the analytical part are reflecting quite well the tensions raised among human rights practitioners earlier and should be therefore used as a prism while exploring the tensions between human rights and results initiatives and also while articulating the possible theories of change and alternative assumptions to traditional RBM approaches from human rights perspective. By providing a roadmap to change, theories of change serve various goals: showing a causal pathway by specifying what is needed for goals to be achieved; articulating underlying assumptions which can be tested and measured; telling a story about how change happens that can be developed with and articulated to others; changing the way of thinking about an intervention from a focus on what is being done to the change that is sought; and facilitating cycles of learning. (Gready and Vandenhole 2014:50-51) There is one main caveat to this argument: the value and contribution of theories of change will depend on how they are embraced and made explicit. Theories of change may shift human rights in the direction of top down, donor driven, technical, quantifiable objectives or they could prioritize bottom-up approaches, context and local constituencies, challenges to power, and qualitative measures of change. For the latter to occur, human rights supporters will need to not just embrace theories of change but also to transform them. (Gready and Vandenhole 2014:50-51). In order to avoid this, human rights supporters have published in 2020 new principles in human rights funding<sup>16</sup> to support the transformational social change. These principles are emphasizing the same element as the UNCU on HRBA (introduced in the section 2) and the key entry points to change introduced by Gready and Vandenhole (2014) in section 4.

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<sup>16</sup> <https://www.hrfn.org/wp-content/uploads/2016/11/Principles-English-Sept-2020.pdf>



## CHAPTER V CONCLUSIONS AND PROPOSED SOLUTIONS

Results agenda and causal theories are hugely controversial within the social change and complexity theories where human rights agendas in development lie. There have been fierce debates about how appropriate results management approach is in development cooperation and especially in transformative human rights initiatives. Supporters of RBM point often to the fact that the purpose of RBM is partly to enhance the role of strategic planning, monitoring and evaluation within management processes and to be an 'enabling tool' complementary to HRBA which is setting the actual content. However, the realities of working with human rights assistance often clash with current results management trends. and the considerations needed when working with human rights processes and outcomes are not always taken seriously by the advocates of RBM.

Drawing from the views of human rights practitioners, the central concern is not actually effectiveness agenda nor results orientation itself but its transformation "from an enabling tool to a paradigm" leading over time to the increasing number of technocratic approaches to RBM, which seem to shape what organizations are, not just aspects of their work. If comparing the 2002 OECD/DAC definition with the latter, one can see that the ultimate purpose of RBM has been clarified and connected with the overall goal of development co-operation instead of being an enabling tool, which was its earlier purpose. Also the finding that some international aid agencies have moved away from their initial HRBA as they adopt a less complex approach emphasizing short-term results and focusing foremost on the 'mechanics' of aid effectiveness, is validating this concern.

Practitioners involved in transformative, rights-based agendas in development have been raising similar concerns and addressed the possibility of transactional results agenda taking over the more political agendas in development leading to a situation where the underlying 'politics' of development and development goals are not addressed. Other human rights and rights-based practitioners have addressed the challenges arising in less political and more technical terms. All human rights supporters and actors and evaluators should be aware of these concerns and challenges arising (and explored in this thesis) to be able to avoid unnecessary tensions in the practice of adopting results-based management approach. Although many challenges are similar to those faced across development cooperation,

especially those active in doing advocacy i.e., challenging and holding accountable the more powerful, important differences remain.

The above concerns are more likely to happen if there is no clear guidance and alternatives to offer for the better integration of the dominant results agenda with human rights agenda. Therefore, this study has explored the complementarities and emerging alternatives to not only to cope with the current dominant results agenda but also to find a better fit alternative that could lead to better assessment methods. One important example is the case of OHCHR, which has adopted RBM already 10 years ago to improve its evaluation and planning capabilities while rejecting the narrow, transactional approach to development that normally accompanies the approach. OHCHR has been also able to develop human rights indicators to better capture the relevant structural, processual and outcome level evidence in the changing situation of human rights.

An important finding is, that there is no inherent conflict between rights and results initiatives, but that tensions arise rather when the narrow, technical interpretation of results management is adopted to transformative work. The mainstream results-based management assumes that change occurs in a linear fashion where a set of activities results in outputs, outcomes and ultimately impact. However, the transformative vision of both human rights and rights-based agendas in development described above, establishes a much more complex causal chain and therefore collides with some basic assumptions behind the traditional RBM assumptions. However as pointed out in this thesis, RBM can be used for a variety of practices, including by complexity theory and social change theory.

To conclude, in order to work RBM needs to occur in accordance with the particularities and nature of the activity to be implemented. Theories of change – a central tool of RBM models – are considered as a good tool to reframe the results artefacts and communicate the assumptions and particularities behind change of each sector involved in development cooperation.

Embracing the important assumptions about the nature of human rights work would demand a return to the distinguishing factors between human rights and development sectors and to the particularities of human rights work expressed in the study. Human rights approach to change and other problematic assumptions listed earlier, has a lot to offer especially when the question of power and accountability is addressed in all the programming phases and in all the aid relationships. When these dimensions are considered as the explicit value

added of human rights approach in development, HRBA models should not anymore be the victims of increases in the aid budgets as the value of constant expert assessment of power and accountability questions would be reflected also in the budgeting for this analysis work.

The following table that I have gathered based on the findings sets the proposed solutions to the most problematic RBM assumptions from human rights perspective:

<b><i>PROBLEMATIC RBM ASSUMPTION</i></b>	<b><i>PROPOSED SOLUTION</i></b>
<p>Development <b>problems</b> and results fix are often technical &amp; commonly understood; derive from concrete problems and dilemmas</p> <p><b>WHERE AS</b></p> <p>Human rights work is more usually governed by laws and norms and as such human rights practice often starts from laws and works backwards</p>	<p>-A [human] rights framework provides a mechanism for reanalyzing and renaming 'problems.</p> <p>-A HRBA suggests using the recommendations of international and regional human rights mechanisms and other information from local actors in the analysis and strategic response to development problems.</p> <p>- Contextual human rights analyses that engage various local actors in defining human rights problems and leading experiments to find 'best fits' instead of best practice</p>
<p><b>Change</b> to achieve results – is linear, controllable or predictable</p> <p><b>WHERE AS</b></p> <p>Human rights based approach to change works from the assumption that processes of developmental change will necessarily involve political issues of power and conflicting interests and therefore are</p>	<p>-Human rights approaches to setting both qualitative and quantitative indicators describing the outcomes together with the process and structure indicators describing the state and long term nature of human rights change</p> <p>-outcome expectations can be amended as a result of testing assumptions behind ToCs and</p>

non-linear, non-controllable or predictable.	learning from real time inclusive and participatory monitoring and evaluation (both from failures and successes)
<p>-It is possible to generate objective <b>evidence</b> and use it to inform optimal policy options and programme plans</p> <p>- <b>Evaluation</b> is driven by learning questions to prove attribution and validate policy options</p> <p><b>WHERE AS</b></p> <p>Human rights are normative and prescriptive while evaluation serves the operational.</p> <p>Evidence on performance can be politically sensitive</p>	<p>- bear in mind that evidence and knowledge is not value free</p> <p>- human rights evidence should be based on internationally recognized human rights indicators, which could be used to lobby for change in different contexts.</p> <p>-Context aware, pluralist human rights responsive evaluation methods that focus on local stakeholders learning if, how and why approaches work or not to produce results</p> <p>-important to highlight the collaborative contribution to the achievement of results, and those of its partners, in its reporting</p>
<p><b>Relationships</b> required to achieve results unaffected by <b>power</b></p> <p><b>WHERE AS</b></p> <p>In human rights work power is everywhere</p>	<p>-power and accountability should be addressed in all the programming phases and in all the aid relationships</p> <p>-this would be leading to the awareness of the effect of changes in the power and the effect of donor procedures to the aid relationships.</p> <p>-This would lead to more trusting, solidarity-based relationships which is particularly needed in supporting</p>

	bottom-up human rights movement keeping the more powerful accountable
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